



Virtual Meeting
Mequon, WI 53092
Phone: 262-236-2941
Fax: 262-242-9655

www.ci.mequon.wi.us

Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, January 12, 2021

6:00 PM

Virtual Meeting

Agenda

ELECTRONIC MEETING NOTICE: Pursuant to the current recommendation of the CDC limiting the size of public gatherings and the various federal and state orders implementing that recommendation, and to help protect our community from the Coronavirus (COVID-19) pandemic, this meeting will be held virtually through the GoToMeeting platform with each member accessing the meeting remotely. Citizens may also join the meeting online or by phone. Please go to <https://www.gotomeet.me/Mequon/pwelfare> to join the meeting online or call into the meeting by dialing 1-866-899-4679 and enter access code 978-522-373.

WRITTEN PUBLIC COMMENTS may be made in writing in advance of the meeting. Written comments should be directed to the Administration Department at least 2 hours prior to the meeting by email at jschoenemann@ci.mequon.wi.us addressed to the intended committee. Written public comment may also be deposited in the drop box at City Hall on 11333 N. Cedarburg Road, Mequon at least 2 hours prior to the meeting. Comments received timely will be forwarded to all members of the body for their consideration.

VERBAL PUBLIC COMMENTS will be accepted only from members of the public who register in advance. Registration shall be made by sending an email to Assistant City Administrator, Justin Schoenemann at jschoenemann@ci.mequon.wi.us or by leaving a message at 262-236-2941 no later than 2 hours prior to the meeting.

1) Call to Order, Roll Call

2) Approval of Meeting Minutes

Action requested: review and approve

a. December 8, 2020 Minutes

3) Ordinances

Action requested: review and recommend approval

a. Review of Protest Petition Process

4) Resolutions

Action requested: review and recommend approval

a. **RESOLUTION 3799** A Resolution Consolidating all City of Mequon Polling Sites into One Location at Mequon City Hall for the February 16, 2021 Primary Election

5) Discussion Items

Action requested: discuss and take action as needed

- a. Attendance at Council Meetings via Electronic Means Post-COVID
- b. Hybrid Meetings Technology Update
- c. Chapter 2: Article II – Common Council and Article IV – Officers and Employees Ordinance Updates

6) Information Items

- a. Work Calendar

7) Adjourn

Dated: January 12, 2021

/s/ Dale Mayr, Chair

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Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM



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Office of the City Administrator

PUBLIC WELFARE COMMITTEE

Tuesday, December 8, 2020

5:45 PM

Virtual Meeting

Minutes

1) Call to Order, Roll Call

Present:

Chair Dale Mayr
Alderman Glenn Bushee
Alderman Robert Strzelczyk

Also Present: Mayor Wirth, City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak

2) Approval of Meeting Minutes

a. November 2020 Minutes

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Strzelczyk
SECONDED BY: Alderman Bushee

AYES: Mayr, Bushee, Strzelczyk

3) Discussion Items

a. Attendance at Council Meetings via Electronic Means Post-COVID

City Attorney Sajdak discussed the topic of attendance at Council meetings via electronic means post-COVID with the members of the Committee. Attorney Sajdak provided an opinion of the Attorney General's office on the topic of electronic meetings to the Committee members. Attorney Sajdak offered his current opinion on electronic meeting, which is that electronic meetings can be allowed provided that the ability to use electronic meetings is codified in the local code.

Attorney Sajdak reviewed the discussion questions provided in the staff memo to obtain the Committee's feedback on electronic meetings post-COVID. A suggestion was made to look at the month of July as a possible transition period to go from virtual to in-person meetings. Mayor Wirth questioned what would determine when it would be safe to transition to in-

person meetings. Mayor Wirth pointed out that some communities have effectively held hybrid meetings. Assistant City Administrator Schoenemann informed the Committee that equipment has been purchased with grant money to offer hybrid meetings.

The Committee members were in consensus that Council members should transition to in-person meetings versus a hybrid meeting. The Committee agreed with having the ability to offer an emergency virtual meeting.

Alderman Mayr asked staff to provide an overview of a hybrid meeting at the next meeting.

Alderman Bushee offered several suggestions for calling into a hybrid meeting; the person calling into a meeting should be connected through a video connection, not voice. The person needs to be engaged, not driving.

Alderman Mayr requested that the item placed on the Committee's next agenda for further discussion.

b. Review of Protest Petition Process

Attorney Sajdak stated the item, review of protest petition process, is on the agenda for discussion due to the most recent experience with the property at the corner of Port Washington and Highland Roads. Attorney Sajdak reviewed the discussion points in the staff memo with the members of the Committee in order to obtain their feedback. Based on the Committee's input, a proposed ordinance change will be brought forward to the Committee at their January meeting.

The Committee was in consensus with continuing to have a local protest petition process and agreed with Attorney Sajdak's recommendation to keep 51% of the owners within 1,320 feet of the property.

Attorney Sajdak offered a proposal to amend the code to reflect that the City will provide only a printout showing a map with the 1,320 feet barrier overlayed versus a property owner list printed from the GIS system. It was suggested that a list of property owners should continue to be handed out. A suggestion was made to clarify that the list may contain inaccuracies.

The Committee members were asked whether the code should be amended to allow *for any owner of the property to be a signer for the property*. Following the Committee's discussion, Attorney Sajdak offered to provide an amendment for the Committee's next meeting.

The Committee discussed the issues with the GIS system. Attorney Sajdak pointed out that there are properties with parcel numbers within the GIS system that are road right-of-way. Attorney Sajdak noted that Assistant Community Director Zader has been working with the Register of Deeds office to try to determine why this has occurred, and if it can be fixed. Attorney Sajdak recommended that the code be amended to reflect that parcels consisting of roadways will not be utilized in the 51% calculation until the issue with the GIS system can be resolved.

At this point Committee members agreed to break to allow several members to attend the Finance-Personnel Committee meeting.

The Committee reconvened at 6:50 p.m. to continue their meeting.

c. Community Outreach Committee Initiative Discussion

Following the Committee's December meeting, Alderman Bushee, City Administrator Jones and Assistant City Administrator Schoenemann met to discuss how to move forward with the Community Outreach Committee initiative. As a result of the conversations, a proposed suggestion was developed by staff for the Public Welfare Committee to consider.

Mr. Schoenemann noted since there are similar duties within the proposed Community Outreach Committee and that of the Festivals Committee, staff is proposing that the Public Welfare Committee consider establishing a new Community Outreach Committee that includes merging with or becoming a part of the Festivals Committee. The new committee could form a subgroup within it to find a way to support the City's two annual events. Mr. Schoenemann noted that if the Committee agrees with pursuing this approach, staff could work on next steps, which could include getting feedback from stakeholders such as the Festivals Committee, work to draft ordinance, and some groundwork on the City's website for the proposed committee.

Mayor Wirth shared his concern with the Festivals Committee taking on additional responsibilities. Mayor Wirth noted that a resolution can be used to create a committee, an ordinance is not required.

Alderman Mayr suggested that staff first talk with the members of the Festivals Committee to find out their thoughts about becoming part of the Community Outreach Committee.

Assistant City Administrator offered to reach out to the Festivals Committee at their next meeting scheduled for January 14.

d. Chapter 2: Article II – Common Council and Article IV – Officers and Employees Ordinance Updates

Assistant City Administrator stated the item, Chapter 2: Article II-Common Council and Article IV-Officers and Employees Ordinance Updates is before the Committee for continued discussion.

Mr. Schoenemann reviewed the items that were included in the Committee's meeting packet.

Due to time constraints the Committee agreed to hold the item over to the next meeting.

City Administrator Jones mentioned that the Committee may want to consider holding a separate meeting next month to discuss the item.

4) Information Items

a. Work Calendar

The Committee did not discuss the work calendar.

- 5) Alderman Bushee made a motion to adjourn the meeting at 7:14 PM, seconded by Alderman Strzelczyk.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bushee
SECONDED BY: Alderman Strzelczyk

AYES: Mayr, Bushee, Strzelczyk

Respectfully Submitted,

Lina Prosser
Executive Assistant

Attachment: DRAFT 12 8 2020 Public Welfare Committee Minutes (5804 : December 8, 2020 Minutes)



11333 N. Cedarburg Road
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Office of City Attorney

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: January 7, 2021
SUBJECT: Review of Protest Petition Process

Following the discussion last month concerning the protest petition process, attached is a draft version of an ordinance that makes the changes which were discussed. I have also enclosed a clean printout of the relevant code provisions that incorporates these changes. The proposed ordinance makes the following changes:

1. The ordinance is broken into subsections for clarity. One single paragraph can be difficult to read. By splitting into multiple subsections, each main concept is highlighted, which should make it easier to understand.
2. Section (3) clarifies who should sign the protest petition, making it clear that in the case of multiple owners (e.g., husband and wife) that one owner's signature is sufficient. It also clarifies that right-of-way is not counted in the calculation of ownership, which as we discussed last month makes the treatment of road right-of-way consistent throughout the City.
3. Section (5) confirms how situations like the development at Port Washington Road and Highland Road would be addressed - make the calculation based upon the whole parcel to ensure sufficient neighbors have an opportunity to potentially protest. As discussed last month, it also clarifies that the ownership list provided by the City may contain errors based upon the data entered into the GIS system, and places the burden on the objector to establish their ownership.
4. The proposed ordinance also amends Section 58-64 which involves protest petitions related to expansions of nonconforming uses to ensure that the two provisions are consistent. Rather than repeat the same paragraphs, the change simply references the general protest petition section, which will simply any future changes.

Recommendation

Further discussion and modification as the Committee may see fit

or

A referral to the Planning Commission for its consideration before moving on to the Common Council.

BCS

Attachments:

Protest Petition Amendment - Clean (PDF)

Protest Petition 12 4 20 Memo (PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

Review of Protest Petition Process

RECITALS

A. In 2017 Wis. Act 243, the Wisconsin legislature eliminated the statutory provision that authorized protest petitions for rezoning applications throughout the State.

B. The Common Council previously adopted local protest petition provisions in the City's zoning code.

C. Following experience with the City's protest petition provisions, the Common Council desires to amend the same to provide better clarity and ease of use in the future.

D. Establishing regulations related to the processing of zoning applications furthers the protection of the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Section 58-42(k) of the Mequon Municipal Code is amended to read as follows (NOTE: added text is underlined, deleted text is ~~struck through~~):

(k) *Protest Petitions.*

(1) In the event of a written protest against any amendment to the zoning district classification for any property, duly signed and acknowledged by either the owners of 51 percent or more of the ~~area~~ parcels of the land included in such proposed amendment or the owners of 51 percent or more of the parcels of land located in or whole or in part within 1,320 feet of the property line of the land included in such proposed amendment, such amendment shall not become effective except by the favorable vote of six members of the common council.

(2) Any such protest must be filed with the clerk not later than 12:00 noon on the Friday preceding the common council meeting at which the second reading of the proposed amendment is on the agenda.

(3) A parcel shall be counted in determining the percent of ownership protesting the proposed amendment if:

a. In the case of a parcel of land jointly owned by multiple individuals, the petition is signed by any one of those individuals.

b. In the case of a parcel of land owned by any entity (e.g., trust, corporation, limited liability company, partnership, or the like), the petition is signed by the individual with proper legal authority to act on behalf of such entity. Any individual signing a petition on behalf of an entity owner shall specify in the petition the name of the entity and the legal capacity on behalf of the entity in which he or she is signing the petition.

c. Any parcel consisting solely of road right-of-way shall not be utilized in the calculation.

(4) Each page of the protest shall describe the land that is the subject of the proposed amendment, a statement that the people signing the petition oppose the proposed amendment and a statement describing the reasons for the opposition to the proposed amendment.

~~(5) Any person signing a petition on behalf of an entity owner shall specify in the petition the name of the entity and the legal capacity on behalf of the entity in which he or she is signing the petition. The city shall conclusively determine which parcels are in or whole or in part within 1,320 feet of the land included in such proposed amendment by utilizing the buffer or notification feature of the current version of the city's GIS software. In the event of a proposed amendment that involves only a portion of a larger parcel, the boundaries of the larger parcel shall be utilized for this determination. Upon request, the clerk shall provide a map and/or list generated through the GIS software identifying the qualifying parcels, with the notation that the ownership information contained on such list may be incomplete or erroneous. It shall be the responsibility of the objector to prove proper ownership where there is a discrepancy. Any such protest must be filed with the clerk not later than 12:00 noon on the Friday preceding the common council meeting at which the second reading of the proposed amendment is on the agenda.~~

(6) In the case of a petition circulated by one or more individuals among multiple owners (as opposed to an individual acknowledgment by any singular owner), each circulator shall include an acknowledgment under penalty of perjury on the petition certifying that the circulator is an owner qualified to protest under this section; that the circulator personally circulated the petition and personally obtained each of the signatures; that the circulator knows that the signers are also owners qualified to protest under this section and that the address of each owner is correctly included on the petition; that the circulator knows the owners signed the petition with full knowledge of its content; and, that the circulator knows each signer signed on the date stated opposite his or her name.

SECTION II

Section 58-64 is amended to read as follows (NOTE: Added text is underlined, deleted text is ~~struck-through~~):

The enlargement, expansion, or intensification of a nonconforming use may be allowed by the planning commission following a public hearing duly noticed and held by the planning commission, provided that the planning commission shall review, determine and set forth the following in writing with its approval:

- (1) Such enlargement, expansion, or intensification is consistent with the public interest; and
- (2) Such enlargement or extension will not have a deleterious effect on property in the surrounding neighborhood due to visual appearance, increased pedestrian or vehicular traffic, noise, smoke, odor, or other similar factors. Furthermore, no such enlargement, expansion, or intensification of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and other requirements of this chapter for the district in which such use is located are adhered to.

In the event that a written protest against any enlargement, expansion or intensification of a nonconforming use, signed and acknowledged by the owners of 51 percent or more of the parcels of land located within 1,320 feet of the property line of the land upon which the enlargement, expansion or intensification is to occur, is filed with the clerk of the City of Mequon, such enlargement, expansion or intensification shall not be allowed, except by board of appeals approval. The provisions of section 58-42(k)(2) to (k)(6) shall apply to any such protest petition. ~~The determination of which parcels are within 1,320 feet of the land upon which the enlargement, expansion or intensification is to occur shall be done by utilizing the buffer or notification feature of the current version of the City's GIS software. Any such protest must be filed with the Department of Community Development not later than 24 hours before the meeting at which consideration of the proposed enlargement, expansion or intensification is on the agenda. In the case of a petition circulated by any individual(s) among multiple owners (as opposed to an individual acknowledgment by any singular owner); acknowledgment can be accomplished by including an acknowledgment of the circulator made under penalty of perjury certifying that the circulator is an owner qualified to protest under this section; that they personally circulated the petition paper and personally obtained each of the signatures; that they know that the signers are also owners qualified to protest under this section and that the address of the owner is correctly included on the petition paper; that they know the owners signed the petition paper with full knowledge of its content; and, that they know each signer signed on the date stated opposite his or her name.~~

SECTION III

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION V

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: January 12, 2021

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 12, 2021.

Caroline Fochs, City Clerk

Published: _____

Section 58-42

(k) *Protest Petitions.*

(1) In the event of a written protest against any amendment to the zoning district classification for any property, duly signed and acknowledged by either the owners of 51 percent or more of the parcels of the land included in such proposed amendment or the owners of 51 percent or more of the parcels of land located in or whole or in part within 1,320 feet of the property line of the land included in such proposed amendment, such amendment shall not become effective except by the favorable vote of six members of the common council.

(2) Any such protest must be filed with the clerk not later than 12:00 noon on the Friday preceding the common council meeting at which the second reading of the proposed amendment is on the agenda.

(3) A parcel shall be counted in determining the percent of ownership protesting the proposed amendment if:

a. In the case of a parcel of land jointly owned by multiple individuals, the petition is signed by any one of those individuals.

b. In the case of a parcel of land owned by any entity (*e.g.*, trust, corporation, limited liability company, partnership, or the like), the petition is signed by the individual with proper legal authority to act on behalf of such entity. Any individual signing a petition on behalf of an entity owner shall specify in the petition the name of the entity and the legal capacity on behalf of the entity in which he or she is signing the petition.

c. Any parcel consisting solely of road right-of-way shall not be utilized in the calculation.

(4) Each page of the protest shall describe the land that is the subject of the proposed amendment, a statement that the people signing the petition oppose the proposed amendment and a statement describing the reasons for the opposition to the proposed amendment.

(5) The city shall conclusively determine which parcels are in or whole or in part within 1,320 feet of the land included in such proposed amendment by utilizing the buffer or notification feature of the current version of the city's GIS software. In the event of a proposed amendment that involves only a portion of a larger parcel, the boundaries of the larger parcel shall be utilized for this determination. Upon request, the clerk shall provide a map and/or list generated through the GIS software identifying the qualifying parcels, with the notation that the ownership information contained on such list may be incomplete or erroneous. It shall be the responsibility of the objector to prove proper ownership where there is a discrepancy.

(6) In the case of a petition circulated by one or more individuals among multiple owners (as opposed to an individual acknowledgment by any singular owner), each circulator shall include an acknowledgment under penalty of perjury on the petition certifying that the circulator is an owner qualified to protest under this section; that the circulator personally circulated the petition and personally obtained each of the signatures; that the circulator knows that the signers are also owners qualified to protest under this section and that the address of each owner is correctly included on the petition; that the circulator knows the owners signed the petition with full knowledge of its content; and, that the circulator knows each signer signed on the date stated opposite his or her name.

Section 58-64

The enlargement, expansion, or intensification of a nonconforming use may be allowed by the planning commission following a public hearing duly noticed and held by the planning commission, provided that the planning commission shall review, determine and set forth the following in writing with its approval:

- (1) Such enlargement, expansion, or intensification is consistent with the public interest; and
- (2) Such enlargement or extension will not have a deleterious effect on property in the surrounding neighborhood due to visual appearance, increased pedestrian or vehicular traffic, noise, smoke, odor, or other similar factors. Furthermore, no such enlargement, expansion, or intensification of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and other requirements of this chapter for the district in which such use is located are adhered to.

In the event that a written protest against any enlargement, expansion or intensification of a nonconforming use, signed and acknowledged by the owners of 51 percent or more of the parcels of land located within 1,320 feet of the property line of the land upon which the enlargement, expansion or intensification is to occur, is filed with the clerk of the City of Mequon, such enlargement, expansion or intensification shall not be allowed, except by board of appeals approval. The provisions of section 58-42(k)(2) to (k)(6) shall apply to any such protest petition.



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Office of City Attorney

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: December 4, 2020
SUBJECT: Review of Protest Petition Process

Recently with the Ascension development on the corner of Port Washington and Highland Roads, we had our first experience with the local protest petition process that was adopted earlier this year. Following the approval of that rezoning, it makes sense to complete a review of the process to determine if any changes are necessary. As an introductory matter, recall that the following is the language for the protest petition process under the City's Code:

In the event of a written protest against any amendment to the zoning district classification for any property, duly signed and acknowledged by either the owners of 51 percent or more of the area of the land included in such proposed amendment or the owners of 51 percent or more of the parcels of land located in or whole or in part within 1,320 feet of the property line of the land included in such proposed amendment, such amendment shall not become effective except by the favorable vote of six members of the common council. Each page of the protest shall describe the land that is the subject of the proposed amendment, a statement that the people signing the petition oppose the proposed amendment and a statement describing the reasons for the opposition to the proposed amendment. Any person signing a petition on behalf of an entity owner shall specify in the petition the name of the entity and the legal capacity on behalf of the entity in which he or she is signing the petition. The city shall conclusively determine which parcels are in or whole or in part within 1,320 feet of the land included in such proposed amendment by utilizing the buffer or notification feature of the current version of the city's GIS software. Any such protest must be filed with the clerk not later than 12:00 noon on the Friday preceding the common council meeting at which the second reading of the proposed amendment is on the agenda. In the case of a petition circulated by one or more individuals among multiple owners (as opposed to an individual acknowledgment by any singular owner), each circulator shall include an acknowledgment under penalty of perjury on the petition certifying that the circulator is an owner qualified to protest under this section; that the circulator personally circulated the petition and personally obtained each of the signatures; that the circulator knows that the signers are also owners qualified to protest under this section and that the address of each owner is correctly included on the petition; that the circulator knows the owners signed the petition with full knowledge of its content; and, that the circulator knows each signer signed on the date stated opposite his or her name.

Mequon Municipal Code § 58-42(k).

During the ascension rezoning process, staff identified and/or heard from Council members a few issues with the process. These issues are highlighted below to help guide the Committee's discussion. In addition, if there are other issues not identified, staff will be available to discuss those as well.

Attachment: Protest Petition 12 4 20 Memo (5832 : Protest Petition)

Discussion Points

1. Do we continue to have a local protest petition process? We added the local code language because the state legislature removed the requirement from Chapter 62 of the statutes. At the time we adopted it, some Council members were opposed to the concept. Did our experience with this project change anyone's mind?

2. Are the general requirements to trigger the higher vote acceptable? Recall that 51% of the owners with 1,320 feet was selected so that if a protest was to be filed it would represent a greater portion of the community's opinion on the project instead of the few owners that were in the immediate area of a project that might be represented under the old statutory requirement. I generally believe that this goal was achieved here and am not recommending any changes. However, Jac Zader argued that in this case, the broader distance requirement actually resulted in a protest petition where under the language of the statute there likely would not have been one. That is because under the statute's shorter distances, all of the qualifying surrounding properties were controlled by the applicant, the school district, golf course, or similar commercial uses which would have presumably not signed (they did not sign here either). This was a result that was not contemplated while drafting the language, and it is possible that members of the Council might feel differently about the language as a result.

3. How involved should staff be in advising neighboring property owners about the process? By including the requirement that "[t]he city shall conclusively determine which parcels are in or whole or in part within 1,320 feet of the land included in such proposed amendment by utilizing the buffer or notification feature of the current version of the city's GIS software," staff became quite involved in this process answering questions about particular properties and ownership. In this case, staff provided the inquiring neighbors with the same printout from the GIS system that we use when the City sends notices. This list included owners' names and addresses. Because of a quirk in the GIS system (which will be discussed below), this list did not accurately reflect all of the owners. As such, there was significant back and forth between my office and the neighbors about whether particular persons needed to sign. In my over 12 years as a municipal attorney, I cannot think of one prior instance where neighbors approached me or staff to make these types of inquiries, and it was time consuming. Possible reasons for it occurring here include:

- A unique personality trait in these neighbors that resulted in them being more demanding than all other previous neighbors. This seems unlikely.
- Because our language includes a greater distance, a neighbor spearheading a petition may not know everyone within the boundary such that they had more questions about ownership because it was not just the immediate neighbors. While this is undoubtedly true, that situation occurred in prior instances too whenever a large vacant tract of land was rezoned.
- By actually providing the owners' names in a list, the list itself became controlling rather than just knowing that you needed to talk to the owners at specific addresses. In other words, if the list indicated that the owner was Bob Smith questions arose when Robert Smith signed the petition, or when Bob's wife Mary identified herself as an owner, etc. Thus, I believe that confusion arose because we provided a list of names.

Rather than create similar confusion in the future, I propose that the code be amended to reflect that they City will provide only a printout showing a map with the 1,320 feet barrier overlayed. This, in my opinion, is the best way to utilize the GIS system to conclusive determine which parcels are included. Providing the list was thought to be easier because we had to utilize it ourselves anyway, the list generated more work, and it was not even utilized at the end when we verified the ownership.

Similarly, in this case (unlike any prior instance I can think of) the neighbors submitted their petitions days in advance of the deadline. We promptly reviewed the petitions and provided all parties (the neighbors and the developer) with our analysis, which allowed the neighbors time to correct issues identified thereby requiring additional review when the corrections were filed. Even though I think this is appropriate, I suspect that there may be competing views on the Council. Members who are in favor of a particular project in the future might feel that helping the neighbors too much is a bad thing. On the other hand, members who oppose a project would obviously be supportive of assisting neighbors as much as we can. If there are concerns on this point, we can look to craft amendments to the code to address any specific concerns that exist.

4. Should we amend the code to allow for any owner of the property to be a signer for the property to make it count? Under the statute and now our code, we have interpreted “owner” to mean the controlling interest of the property. The thought is that if there was a decision to make about the property (to sell it, for example), this controlling interest is the only one that can make the decision. The same should be true for a protest petition. This makes sense when the owner is a trust, corporation, partnership or limited liability company. It does create issues when the property is owned by multiple individuals. In those cases, generally all of the individuals need to sign. The most common example is when the property is owned by a husband and wife. In those cases, generally both parties need to agree to sell the property. As such, both would need to sign the petition. This would also be true in homeowners’ associations. If there was a vote to be taken in the association, both parties would need to agree to be able to cast that vote.

This interpretation obviously makes it harder for a protest petition to be properly counted for any parcel. In this case, because of the larger number of properties that needed to be reviewed because of the increased distance, there were significantly more instances where questions arose — especially in the multiple cases where one spouse had passed away and their estate was set up in a way that the death resulted in no change in ownership being reported to the register of deeds. Attempting to verify these deaths is never fun or quick, and with the wider distance there were more of them to be done. For the ease of reviewing these petitions in the future, I would recommend that we change the code to reflect that a signature from *any* owner of a property be sufficient, as opposed to *the* owner. Similarly, I recommend that we clarify in the code that the petitioners have the duty to establish ownership in the case of a dispute. In one case here, the property had sold but the information was not yet reflected on the GIS system.

5. Issues related to the GIS system. As noted above, there are a couple quirks to the GIS system that should be accounted for in our code. The first is that the notification function we utilize to determine which parcels are included (and thus get mailed notices) exports a report with addresses and only the first owner’s name. Therefore, in any instance when there are multiple owners, the list generated is incomplete. This issue was addressed above in section 3, and my recommendation is that we provide only a map showing which properties are included to avoid any confusion.

The second issue is not so much with the GIS system itself, but in the data that the county enters into the system. For reasons that at this point remain unexplained, there are a large number of properties with parcel numbers within the GIS system that are actually road right-of-way. However, not all right-of-way within the county has a parcel number. Jac Zader has been working with the register of deeds office to try to determine why this has occurred, and if it can be fixed. Until that can be fixed (assuming it can be), I recommend that the code be changed to reflect that parcels consisting of roadways will not be utilized in the 51% calculation.

A third issue relates to how we identify the parcel to be used for the 1,320-foot calculation. In this case, the portion of the rezoning that was contested was the part related only to the corner parcel, which does not yet exist within the GIS system because it has not formally been created yet. If we were to do the calculation based solely on the small corner parcel instead of the full property, there would have been fewer properties within the 1,320-foot radius. A quick analysis on this case suggests that this would not have changed the result. More importantly, utilizing the smaller corner parcel would have created issues because there is no easy way to utilize the notification function to create that list of included parcels. We would have to figure it out by hand which is time consuming and less accurate. Nobody, not even the developer's attorney objected to using the larger parcel here, but the code should be updated to reflect how the calculation will be done moving forward.

6. Staff had prepared a form protest petition document that could be used by neighbors. The form prepared did not, in hindsight, highlight the need for parties to signify what their status was when signing on behalf of an entity owner. In this case, the circulators of the petition handled trust properties inconsistently. In one case, the circulator made sure that the signatory also identified that they were the trustee, and these signatures counted. One of the other circulators did not ensure this was done, and those signatures were not counted. We anticipate updating the form to address this issue and also any other changes that may move forward as part of this review.

BCS



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Office of City Clerk

TO: Public Welfare Committee
FROM: Caroline Fochs, City Clerk
DATE: January 7, 2021
SUBJECT: RESOLUTION 3799 A Resolution Consolidating all City of Mequon Polling Sites into One Location at Mequon City Hall for the February 16, 2021 Primary Election

Background

On February 16, 2021 a primary election will be held for the State of Wisconsin Superintendent of Public Instruction statewide. In the City of Mequon this is the only race on the ballot. Because of the anticipated low turnout and the increased use of absentee ballots for voting, staff sees an opportunity to reduce costs and labor by consolidating polling sites for this election. If approved, this consolidation will be for the February 16, 2021 election only, and election day voting will return to regular polling locations for the April 6, 2021 Spring Election.

Analysis

Mequon currently has eight polling sites throughout the City with City Hall being one of them. These sites are set up by Public Works on the Monday prior to the election and taken down on the Wednesday after the election and is very labor-intensive. By consolidating the sites into just one location, the crew is freed up to work on other City projects. Also, on election day, staff from the City Clerk's Office can remain at City Hall, freeing their time for other duties, and allowing staff to more closely monitor election day activities.

Nearly four years ago, on February 21, 2017, an election was held in Mequon, with only the Superintendent of Public Instruction on the ballot. The City saw a 10% voter turnout which would equate to 1,934 total voters in 2021. Assuming at least 50% will vote absentee, the election day walk-in traffic is projected to be approximately 950 residents, which would be a steady day but not overwhelming.

Making the public aware of the change is of course very important. In order to inform Mequon residents, efforts will be made to give notice in a variety of ways including using the City's website, community sign, Friday bulletin, Facebook, and Channel 25, and to send a postcard to all registered voters who will be affected by the change in location. Signs will be posted at each of the seven other polling locations on election day as well, directing voters to City Hall to vote.

Fiscal Impact

In the 2021 Election budget, \$7,560 was budgeted for poll worker expenses related to the February election. By consolidating the sites, the city would save \$6,760. This savings is offset by the cost of sending postcards to affected residents, which is estimated at approximately \$2,850.

Recommendation

It is recommended that the Public Welfare Committee endorse, and the Common Council approve the attached resolution consolidating polling sites for the February 16, 2021 Primary Election.

COMMON COUNCIL
OF THE
CITY OF MEQUON

RESOLUTION 3799

A Resolution Consolidating all City of Mequon Polling Sites into One Location at Mequon City Hall for the February 16, 2021 Primary Election

A. The State of Wisconsin will hold a Primary Election for Superintendent of Public Instruction on February 16, 2021 that will be a statewide primary.

B. Superintendent of Public Instruction will be the only race on the City of Mequon ballot.

C. City staff anticipates the voter turnout will be such that an opportunity exists to consolidate polling sites, resulting in a savings in labor costs and tax dollars.

BASED UPON THE FORGOING RECITALS, IT IS RESOLVED by the Common Council of the City of Mequon, Wisconsin, that:

1. All City of Mequon polling locations for the February 16, 2021 Primary Election are consolidated into a single location at Mequon City Hall.

2. Subsequent to the February 16, 2021 Primary Election, all polling locations will return to their regular locations unless changed by future action of the Common Council.

3. City staff are authorized and directed to effectuate this change in accordance with Wis. Stat. § 5.25 and the guidance of the Wisconsin Election Commission.

Approved by: John Wirth, Mayor

Date Approved: January 12, 2021

I certify that the foregoing Resolution was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on January 12, 2021.

Caroline Fochs, City Clerk



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Office of City Attorney

TO: Public Welfare Committee
FROM: Brian Sajdak, City Attorney
DATE: January 7, 2021
SUBJECT: Attendance at Council Meetings via Electronic Means Post-COVID

During previous discussions on various COVID-related policy issues and Proclamations, one topic of conversation has electronic meetings (the City utilizing the GotoMeeting platform) and whether to utilize them for meetings moving forward. Last month, the Committee began consideration of the question.

Perhaps the largest point of discussion last month was the utilization of “hybrid” meetings wherein some participants attend the meeting in-person and some attend electronically. At the request of the Committee, Assistant Administrator Schoenemann has prepared a separate memorandum that describes hybrid meetings more in depth. At last month’s meeting, a good part of the discussion centered on the transition between electronic and in person meetings. A key discussion point for this month’s meeting should center on this topic.

There are a variety of options for how to make the transition. One of those options could be the adoption of a fully hybrid approach wherein any meeting participant (Council/Committee members and members of the public) could choose how they wished to attend the meeting. Such an approach could be utilized at any time. The benefit to this approach is that it allows those who are comfortable to do so to return to in person meetings. The obvious drawback to this approach arises if the chair of the meeting opts to attend electronically. It can be difficult, if not impossible, for someone who is attending electronically to be able to effectively manage those in attendance in person.

A second option would be a hybrid approach where the bulk (or all) of the membership would attend in-person while allowing members of the public to attending electronically. This is an approach that many communities have either adopted or are contemplating. Assuming the technology is available, this can be an effective option to allow things to return to “normal” while also allowing members of the public the option to choose to maintain their distance while still participating. This approach could also be the model for long-term (well after COVID) attendance at meetings as well. Some communities are suggesting that this form may be utilized long-term because it offers citizens more access to meetings (although others believe simple live streaming is sufficient and are planning to forego the interactive part post-COVID).

The primary bodies for which this would apply are the Common Council, the standing Committees and the Planning Commission. Since three of those bodies are chaired by the Mayor, there may be little sense in a legislative solution at this time. If the Mayor is uncomfortable attending meetings in person, he could choose a fully electronic method if given the choice, or veto any legislation that does not give him a choice. Accordingly, it may make some sense to delay further consideration of legislative approaches. The Mayor can issue an amended proclamation to modify the electronic meeting rules as he becomes comfortable doing so based on case numbers, vaccination rates, etc. Likely one step in that process will be a hybrid approach, which will give us actual experience with the technology. With that experience, we can revisit the question of allowing electronic appearances long-term at a later date.

However, should the Committee desire to consider a legislative approach, there are a few points of discussion that should occur:

- Which approach should be used? If a hybrid model is going to be used, what standards should be used to determine when to implement it or make the transition?
- Depending on the model used, are there rules that should be applied to attendance? Should all members of the body be in-person? If so, are there exceptions to that rule?

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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: January 7, 2021
SUBJECT: Hybrid Meetings Technology Update

Background

At its December 8 meeting, the Public Welfare Committee began a conversation about the future of entirely virtual and hybrid in-person/virtual Common Council meetings once the COVID-19 pandemic subsides. The Committee requested that staff provide an update on the technology and hybrid meeting process that will be implemented in 2021 when it is safe to have such meetings.

Analysis

The City has been working on upgrading its existing equipment to allow the Common Council and Planning Commission to hold hybrid meetings. Ethan Danz, the City's primary Channel 25 videographer, has done a lot of research over the last several months on how to upgrade the City's AV equipment to allow for hybrid meetings and has begun modifying the City's systems. Additionally, the Common Council approved transitioning from paper agenda packets to fully electronic packets for itself and the Planning Commission in 2021. All Council and Commissioners will be equipped with a laptop in 2021 for paperless packets, which will feed well into the hybrid meeting process.

The goal of the upgrades is to allow those attending in-person and those attending virtually to interact fully with each other. The Council Chamber's audio and video system will feed into GoToMeeting so that all virtual participants can see and hear. PowerPoints and other digital documents shared will be visible to both in-person and virtual participants. The City will also project the GoToMeeting participants onto the screen in the Council Chamber. Officials will be able to see virtual participants right in front of them during meetings through their respective laptops. Additionally, by Officials having GoToMeeting running on their laptops, they will also be able to see all virtual participants and afford virtual participants a video of the Official speaking.

The City has also purchased a TV and stand that can be used to provide another screen to view electronic participants during a meeting or to afford additional seating in the South Conference room to assist with social distancing measures.

Fiscal Analysis

The City was able to purchase the equipment needed for hybrid meetings with grant money earlier this year, which has resulted in little to no budgetary impact for the upgrades.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: January 7, 2021
SUBJECT: Chapter 2: Article II – Common Council and Article IV – Officers and Employees Ordinance Updates

Background

In the first quarter of 2020, the Public Welfare Committee and Mayor Wirth began a review of a revised version of *Chapter II: Article II – Common Council*, which governs all standing committees in the City and the City Administrator position. However, due to the impacts of COVID-19 this project was paused while the City pivoted to respond to the public health emergency. Now that the emergency has normalized, the Public Welfare Committee will be resuming the ordinances review.

Discussion

It is anticipated the Public Welfare Committee will continue its review of the revised ordinance and the additional documents proposing further amendments at the December meeting. To assist the Committee's review, staff has attached all agenda materials from the March 2020 meeting. The packet includes:

- March 2020 staff memo.
- A redlined copy of the revised ordinance.
- An email from Mayor Wirth and a copy of 2017 Wis. Act 50, which details flexibility in noticing of special meetings for the Common Council.
- A Memo from Mayor Wirth that includes additional ordinance amendments.
- A copy of the existing ordinance.

Attachments:

March 5 2020 Agenda Packet (PDF)

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: March 5, 2020
SUBJECT: Chapter 2: Article II – Common Council and Article IV – Officers and Employees Ordinance Updates

Background

At the last two monthly meetings, the Public Welfare Committee and Mayor Wirth reviewed a revised version of *Chapter II: Article II – Common Council*, which governs all standing committees in the City. Attachments include:

- A redlined copy of the revised ordinance.
- An email from Mayor Wirth and a copy of 2017 Wis. Act 50, which details flexibility in noticing of special meetings for the Common Council.
- A Memo from Mayor Wirth that includes additional ordinance amendments.
- A copy of the existing ordinance.

Discussion

It is anticipated the Public Welfare Committee will continue its review of the revised ordinance and the additional documents proposing further amendments at the March meeting. City staff will be in attendance to gather the Committee's feedback and assist in updating the revised ordinance for subsequent meetings.

Attachments:

Revised Article II - Common Council (Redline) (PDF)

Possible Change to Article II Email - Feb 3 20 (PDF)

2017 Wis. Act 50 (PDF)

Memo from Mayor Wirth with Additional Chapter II Amendments (PDF)

Current Article II - Common Council (PDF)

ARTICLE II. - COMMON COUNCIL

DIVISION 1: Mayor and Common Council.

Sec. 2-20. – Generally.

The common council shall consist of the mayor and eight aldermen. The common council shall be elected, and vacancies shall be filled, pursuant to section 2-63. The common council shall have the committees described in division 2. The common council shall hold meetings pursuant to division 3.

Sec. 2-21 – Mayor.

- (a) In addition to those powers and duties set forth in this code, the mayor shall have the powers and duties of a mayor set forth in the Wisconsin Statutes.
- (b) The mayor shall be the city's chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.
- (c) The mayor shall from time to time give the common council such information and recommend such measures as the mayor may deem advantageous to the city.
- (d) When present, the mayor shall be ~~an ex-officio~~ member of, and presiding officer at, all meetings of the common council, whether regular, special or organizational, and its committee of the whole and appropriations committee.
- (e) Except as otherwise limited by state law, the mayor shall have the power to veto all acts of the common council and all acts of any committee that could have been taken by the common council if not delegated by the common council or this code to such committee, including acts by the planning commission. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, whether signed as mayor or as the chair of the planning commission, or upon the mayor's failure to approve or disapprove such act within five days. If the mayor fails to approve or disapprove any act within five days, the clerk shall certify such failure on the relevant document. If the mayor vetoes any act, the mayor shall file his or her objections with the clerk, and the clerk shall present them to the common council at its next meeting. A two-thirds vote of all members of the common council shall make the act effective notwithstanding the objections of the mayor.
- (f) The mayor shall be the head of the fire and police departments.

Sec. 2-22 – Acting mayor.

- (a) If the mayor is absent or unable to perform any duty, the president of the common council shall be the "acting mayor." If both the mayor and the president are absent or unable to

perform any duty, the following shall be the order of succession as “acting mayor”: the chair of the public welfare committee, the chair of the public works committee and the chair of the public safety committee.

- (b) The acting mayor shall not have power to approve an act of the common council which the mayor has vetoed or to veto any act approved at a meeting ~~chaired by~~ at which the mayor was the presiding officer.

DIVISION 2: Common Council Committees

Sec. 2-23. –Standing Committees.

The common council shall have the following four standing committees:

- (a) *Finance-personnel committee.*
- (1) Except as otherwise specifically delegated by this code or state law, the finance-personnel committee shall consider licenses, vouchers for payment, collective bargaining contracts, employee wages and benefits, employee policies, ethics, financial policies, tax assessments, audits, investments, fees charged by the city, debt issuances and similar matters.
 - (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the finance-personnel committee to the extent that such matters require standing committee review:
 - a. Board of Review
 - b. Ethics Board
 - c. Planning Commission (development agreements, land acquisitions and similar matters that involve the city’s finances)
 - (3) All bills and other financial claims against the city shall be itemized and, upon receipt, shall be examined by the treasurer and paid pursuant to the city’s financial policies after verification by the city administrator or the relevant department head. However, no such item shall be paid prior to approval by the finance-personnel committee if it is subject to any dispute. The treasurer shall provide the itemization to the clerk, who shall in turn provide it to the finance-personnel committee for examination and ratification at its next meeting. Any disputed item shall be particularly identified on or with the itemization, and the finance-personnel committee shall provide direction to the treasurer regarding payment. To the extent the finance-personnel committee has concerns regarding any items that have been paid, it may promulgate policies for future similar payments. The mayor may require any such policy to be approved by the common council before implementation.

~~(b)(a)~~ Public works committee.

~~(1) Except as otherwise specifically delegated by this code or state law, the public works committee shall consider matters involving roads, municipal buildings, parking lot and grounds maintenance, sidewalks, public lighting, stormwater, engineering and similar matters.~~

~~(2)(1) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public works committee to the extent that such matters require standing committee review:~~

~~a. Architectural Board~~

~~b.a. Joint Mequon Thiensville Bike and Pedestrian Way Commission~~

~~c.a. Mequon Nature Preserve Board of Directors~~

~~d.a. Park and Open Space Board~~

~~e.a. Tree Board~~

~~(e)(b)~~ Public safety committee.

(1) Except as otherwise specifically delegated by this code or state law, the public safety committee shall consider matters regarding police, fire, ambulance, traffic, boating, building safety and similar matters.

(2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public safety committee to the extent that such matters require standing committee review:

a. Board of Police and Fire Commissioners

b. Milwaukee River Advisory Committee

~~(d)(c)~~ Public welfare committee.

(1) Except as otherwise specifically delegated by this code or state law, the public welfare committee shall consider all matters not delegated to the other standing committees, including without limitation matters regarding the committees of the city, redistricting, voting, citywide surveys, economic development, planning, health, public assistance, recreation, nuisances~~77.~~

(2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public welfare committee to the extent that such matters require committee review:

~~e.d.~~ Board of Appeals

~~d.e.~~ Economic Development Board

- e.f. Festivals Committee
- f.g. Frank L. Weyenberg Library Board of Trustees
- g.h. Hiram Schmitt Fund Advisory Board
- h.i. Landmarks Commission
- i. ~~Planning Commission~~
- j. Planning Commission (all text amendments and all other matters that are not assigned to the finance-personnel committee or the public works committee)

(d) Public works committee.

- (1) Except as otherwise specifically delegated by this code or state law, the public works committee shall consider matters involving roads, municipal buildings, parking lot and grounds maintenance, sidewalks, public lighting, stormwater, engineering and similar matters.
- (2) Except for matters directed by the mayor to the committee of the whole or to another committee, matters coming before the common council from the following citizen committees shall first go to the public works committee to the extent that such matters require standing committee review:
 - a. Architectural Board
 - b. Joint Mequon-Thiensville Bike and Pedestrian Way Commission
 - c. Mequon Nature Preserve Board of Directors
 - d. Park and Open Space Board
 - e. Planning Commission (text amendments and other matters which are primarily related to architecture, parks, public works projects and policies or trees)
 - f. Tree Board

Sec. 2-24. – Appointments to standing committees.

At the organizational meeting, the president shall nominate three aldermen to each standing committee. Subsequently, any alderman may make one or more additional nominations to the standing committees. After all nominations are made, the common council shall elect by majority vote three members to each standing committee. Each alderman shall serve on at least one common council standing committee. Each member shall serve as appointed unless excused by a majority vote of the common council. The mayor shall be a non-voting, *ex officio* member of all standing committees.

Sec. 2-25. – Chairs of standing committees.

- (a) The members of each standing committee, other than the finance-personnel committee, shall select a chair from among themselves at the first committee meeting following the organizational meeting.

- (b) The mayor shall chair the finance-personnel committee on an *ex officio*, non-voting basis.
- (c) In the absence or upon recusal of a standing committee's chair, the member of the standing committee with the most years of service on the common council shall serve as chair.
- (d) The chair of a standing committee shall call meetings to order at the appointed hour. The chair shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by state law or this code. Any member shall have the right to appeal a decision of the chair. The appeal may be sustained by an affirmative vote of the members present, exclusive of the chair.

Sec. 2-26. – Vacancies.

- (a) If there is an aldermanic vacancy, the person filling the vacancy shall automatically fill the vacated member's membership in any standing committee.
- (b) To the extent that the vacated member was the chair of a standing committee, the standing committee shall elect a new chair at the first meeting of the standing committee following the date the vacancy is filled.

Sec. 2-27. - Quorum of a standing committee.

A quorum for a standing committee shall consist of two voting members. A quorum shall be required to be present to transact business or to take any action on any agenda item on the meeting's agenda.

Sec. 2-28. - Action of a standing committee.

- (a) Unless otherwise required by law, an affirmative vote of two members of a standing committee shall constitute the action of the standing committee.
- (b) Except as specifically provided in this code, standing committees shall have no final decision-making or policy-making authority; instead, standing committees shall recommend resolutions, ordinances and policies to the common council.
- (c) Matters favorably recommended by a standing committee shall be submitted to the mayor to place on a common council agenda for consideration. The mayor may place any matter on the common council agenda that has been considered but not recommended for approval by a standing committee.

Sec. 2-29. - Meetings, agenda, minutes and recommendations.

- (a) Each standing committee shall conduct its first meeting following the organizational meeting at a time and place scheduled by, and pursuant to an agenda established by, the

staff liaison to the standing committee and shall include all agenda items specified by the standing committee at its last meeting preceding the organizational meeting.

- (b) A standing committee shall conduct all other meetings at scheduled times and places called by its chair or as determined by the standing committee at a prior meeting. The chair shall establish the agenda for each such meeting after consultation with the staff liaison for the standing committee.
- (c) Any member of a standing committee may request in writing, at least five business days prior to a meeting, that an item germane to the standing committee's purpose, duties or powers be placed on an agenda. If the chair fails to place such item on the agenda for a meeting, the proposing member may, at any meeting, move the standing committee to have the item placed on the next agenda.
- (d) Written notice of a meeting of a standing committee and the agenda for such meeting shall be delivered to each committee member and filed with the clerk at least 48 hours in advance of the meeting. The notice shall be in such form as will reasonably apprise the standing committee members, the public and the press of the date, time and subject matter that is intended for consideration and action at the meeting. The clerk will post such notices on the city hall bulletin board and, to the extent possible, the building at which the meeting will be held.
- (e) Minutes of the meetings and recommendations of a standing committee, after review and approval of the standing committee, shall be submitted to the common council. The minutes shall show the vote of each member upon each question. The minutes shall also show if a member is absent or fails to vote on any question. The city clerk shall retain all such minutes.
- (f) Members shall attend meetings of a standing committee in person. No member may appear at any meeting by telephone or other electronic means.
- (g) Any member of the common council may attend any meeting of any standing committee, including any closed session, as a non-voting, ex-officio member, and shall abide by all the rules and regulations of the meeting ~~asthat~~ pertain to the regular members of the standing committee.
- (h) The chair of any standing committee, or the standing committee by majority vote, may require any city officer to confer with it and supply information needed in connection with any matter pending before the standing committee.

Sec. 2-30 - Committee of the whole.

- (a) The committee of the whole shall consist of all members of the common council. The committee of the whole shall have the same quorum and voting requirements as meetings of the common council.

- (b) The committee of the whole shall be used for informal discussion among ~~the~~ members of the common council.
- (c) The mayor may:
 - (1) Schedule a meeting of the committee of the whole. Such a meeting, when not part of a regular meeting of the common council, shall proceed under the rules in this code for a special meeting.
 - (2) In establishing the agenda for a regular or special meeting of the common council, schedule a meeting of a committee of the whole at any point during the meeting.
 - (3) Provided there is no objection by any alderman present, declare any portion of any meeting of the common council as a meeting of the committee of the whole.
- (d) The mayor, or the committee of the whole by majority vote, may terminate a meeting of the committee of the whole at any time.

Sec. 2-31. – Appropriations committee.

- (a) The appropriations committee shall consist of all members of the common council. The appropriations committee shall have the same quorum ~~and voting~~ requirements as meetings of the common council.
- (b) The appropriations committee shall review and recommend the annual budget to the common council.
- (c) Meetings of the appropriations committee shall proceed under the rules in this code for a special meeting.
- (d) The appropriations committee and its procedures and duties are more specifically described in division 2 of article vi of this chapter.

Sec. 2-32. – Special committees.

Either the mayor by written order or the common council by motion or resolution may create special committees from time to time. The number of committee members, the purpose of the special committee and its duties shall be stated in the order, motion or resolution. Unless a termination date is specified in the order, motion or resolution creating a special committee, the mayor may terminate a special committee at any time if created by order or the common council may terminate such a committee if created by motion or resolution. The quorum of any special committee shall be 51% of the members of the special committee. All other rules in this code that apply to standing committees shall apply to special committees.

Sec. 2-33. - Referrals to committee.

- (a) No ordinance, resolution, communication or other matter, other than appointments, shall be acted upon by the common council unless such ordinance, resolution, communication or other matter shall have been referred to the common council or reported on by one of the following:
 - (1) An appropriate common council standing committee;
 - (2) The committee of the whole;
 - (3) The appropriations committee;
 - (4) Any special committee of common council members created for that purpose under section 2-32;
 - (5) The sewer utility district commission;
 - (6) The Mequon municipal water utility commission; or
 - (7) For an ordinance or resolution creating, amending or repealing a planned unit development, transferring development rights, amending the city's official zoning map, amending the city's land use plan, approving or amending a development agreement or final plat, or addressing similar property-specific matters, the planning commission.
- (b) The common council may, by the affirmative vote of two-thirds of the aldermen present, suspend the rule established in subsection (a) and act on a matter that has not been appropriately referred to or reported on by a committee as specified in subsection (a).
- (c) Appointments to boards, commissions and committees under article IX, and appointments to standing committees and special committees of the common council, may be acted upon without having been referred to or reported on by a committee unless otherwise specifically required elsewhere in this code. However, the common council may refer any appointment to a committee by motion duly adopted.
- (d) Unless the rule established in subsection (a) is suspended for a matter, any ordinance, resolution, communication or other matter which has not been referred to the common council or reported on by a committee as specified in subsection (a) shall be read by number, abbreviated title, author and sponsor, if any, and referred to the appropriate committee by the mayor without motion or, if the mayor does not make such a referral, by the common council upon motion duly adopted.

DIVISION 3: Meetings.

Sec. 2-34. – Types of meetings and how scheduled.

- (a) *Regular meetings.* Regular meetings of the common council shall be held on the ~~2nd~~second Tuesday of each calendar month at 7:30 p.m. Any regular meeting falling upon a legal holiday or election day shall be held at the same time on the next day. The mayor may, with at least 14 days' prior notice to the clerk, who shall promptly notify all aldermen, move a regular meeting to the ~~3rd~~third Tuesday of the month at 7:30 p.m. if the mayor determines that there will be six or fewer aldermen at the meeting on the ~~2nd~~second Tuesday of the month or that the ~~2nd~~second Tuesday of the month conflicts with a significant national, civic or athletic event.
- (b) *Special meetings.* The mayor or any four aldermen may call a special meeting by providing written notice to the clerk of the date, time and purpose of the meeting. Except in an emergency, such notice shall be delivered to the clerk at least three business days prior to the proposed time for the special meeting. The clerk shall cause written notice of the special meeting to be delivered to each alderman personally or by leaving the notice at an alderman's residence and shall send a copy by email to each alderman at his or her city email address. Notice shall be adequate if provided at least six hours before the meeting. The clerk shall cause an affidavit of service of such notice to be filed in the clerk's office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all aldermen either are present in person or consent in writing to the holding of such meeting. Any such consent shall be filed with the clerk prior to the beginning of the meeting. An alderman shall be deemed to have waived any defect of notice if he or she attends the special meeting. In the absence of the clerk, a filing with, and an action by, a deputy of the clerk shall satisfy the requirements of this section.
- (c) *Organizational meeting.* The common council shall hold an organizational meeting on the ~~3rd~~third Tuesday in April.

Sec. 2-35. – Place; Quorum; Adjournment.

- (a) *Place of meetings.* All common council meetings, whether regular, special or organizational, and all committee of the whole, standing committee and utility board committee meetings, shall be held in city hall. Notwithstanding the foregoing:
 - (1) A meeting held jointly with one or more bodies that govern other political entities may be held outside of city hall provided that public notice is given at least seven days in advance of such meeting.
 - (2) All or part of a meeting may be held at another location if, in the mayor's opinion, ~~viewing~~ such location might assist the common council in its deliberations.
 - (3) The common council may by majority vote at a prior meeting agree to hold a meeting at another location.
- (b) *Quorum.* No action shall be taken unless a quorum is present. A quorum shall consist of the lesser of six aldermen or, if there is one or more vacancies, two-thirds of all aldermen then holding office. The mayor or the majority of aldermen present may compel the attendance of absent members in order to obtain a quorum. Otherwise, the common council

shall adjourn for failure to obtain a quorum. The mayor shall not be counted in determining whether a quorum is present. To the extent a regular meeting cannot be held due to the lack of a quorum, any meeting called to replace the missed meeting shall constitute a regular meeting.

- (c) *Adjournments.* The common council may, by a majority vote of the aldermen present, adjourn from time to time to a specific date and time.

Sec. 2-36. – Presiding Officer.

- (a) *Mayor.* The mayor shall when present be the presiding officer at all common council meetings, whether regular, special or organizational, and all committee of the whole meetings and appropriation committee meetings.
- (b) *Absence of Mayor.* In the absence of the mayor, the president shall preside over a meeting. In the absence of the mayor and the president, the following shall be the order of succession as presiding officer: the chair of the public welfare committee, the chair of the public works committee and the chair of the public safety committee.
- (c) *Conduct of Meeting.* The presiding officer shall call meetings to order at the appointed hour. The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by state law or by this code. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a vote of the majority of the members present, exclusive of the presiding officer.
- (d) *Participation by Presiding Officer.* Whenever the presiding officer desires to speak upon any question, or to make any motion, he or she shall designate the alderman in the next position of succession to preside temporarily. ~~When someone other than the mayor is the presiding officer, the presiding officer may vote even though he or she is the acting mayor.~~

Sec. 2-37. - Order of business – regular meetings.

- (a) The public notice and the agenda for regular meetings of the common council shall reflect the following order of business: unless, in establishing the agenda and prior to publication, the mayor opts to change the order to accommodate significant public interest, visitors who will be participating in the meeting or for other good cause.
 - (1) Call to order. The presiding officer shall at the appointed hour call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call.

- (4) Public hearings. This part of the meeting is reserved for those matters requiring a public hearing by this code or other applicable law. To the extent an ordinance has received a first reading at a prior meeting, the ordinance shall be acted upon immediately following its public hearing. Remarks of any individual shall be limited to five minutes.
- (5) Personal appearances and public comment. This part of the meeting is reserved ~~from~~for comments regarding any matter not on the agenda. Remarks of any individual shall be limited to five minutes.
- (6) Public officials' reports. The following may, at the mayor's option, be included at this time: reports by the mayor, proclamations by the mayor, reports by the city administrator, reports by any other city officer and reports by designated representatives of any city committee, board or commission.
- (7) Consent agenda items. Consent agenda items are items that do not include the expenditure of funds and that are, in the discretion of the mayor, routine or ministerial. Consent agenda items include without limitation the following items.
 - a. Adoption of minutes of prior common council meetings;
 - b. Acceptance of minutes from standing committees and city boards, commissions and committees;
 - c. Acceptance of reports of common council and special meetings;
 - d. Adoption of specified ordinances and resolutions that have received unanimous committee recommendation; and
 - e. First readings of ordinances.

Except for resolutions and ordinances, the presiding officer need not list items on the consent agenda but, instead, may announce that the consent agenda includes various minutes and reports. The presiding officer shall announce, before any motion, the number and abbreviated description of each ordinance and resolution included in the consent agenda. A member of the common council may cause any item on the consent agenda to be separately discussed and voted by notifying the mayor, prior to the vote on the consent agenda, that he or she requires such separate consideration. A vote on the consent agenda does not approve any ordinance before the common council for a first reading except upon a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

- (8) Ordinances.
- (9) Resolutions.

- (10) Specified unfinished business from prior meetings.
 - (11) Specified new business. New business may include without limitation petitions, memorials, remonstrances and other communications not otherwise presented during the meeting.
 - (12) Adjourn.
- (b) The mayor may, in establishing the agenda, schedule extraordinary matters and meetings of a committee of the whole at any point during the meeting. Except for the foregoing, no business shall be considered out of the order established in subsection (a) except upon a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-38. - Order of business – special meetings.

- (a) The public notice and the agenda for special meetings of the common council shall reflect the following order of business.
- (1) Call to order. The presiding officer shall at the appointed hour call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call.
 - (4) The matters or matters for which the meeting is called.
 - (5) Adjourn.

Sec. 2-39. - Order of business – organizational meeting.

- (a) The public notice and the agenda for the organizational meeting of the common council shall reflect the following order of business.
- (1) Call to order. The presiding officer shall at the appointed hour call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call.
 - (4) Election results. The clerk shall report the results of the election of common council members.

- (5) Recognition of outgoing members.
- (6) Oath. Newly elected common council members shall take the oath of office.
- (7) Election of President. The aldermen shall elect one of their members as president of the common council. Any alderman may nominate himself or herself or nominate another alderman. No second of any such nomination shall be required. The president shall be elected by the majority vote of the aldermen present. ~~The mayor may vote in case of a tie.~~
- (8) Nominations and election of committee members.
 - a. The newly elected president shall nominate:
 - i. members of the standing committees and
 - ii. the required aldermanic representatives and alternate aldermanic representatives under division IX of this chapter (including the planning commission).
 - b. After the president makes such nominations, any alderman may make competing nominations
 - c. The members and representatives shall be elected by the majority vote of the aldermen present. ~~The mayor may vote in case of a tie.~~
- (9) Designation of Newspaper. The aldermen shall designate the official city newspaper for legal notices by majority vote of the aldermen present. ~~The mayor may vote in case of a tie.~~
- (10) Mayoral and aldermanic appointments. The aldermen shall confirm or deny, by majority vote of the aldermen present, mayoral and aldermanic appointments to committees under division IX of this chapter. ~~The mayor may vote in case of a tie.~~
- (11) Other. The common council may take up any other appropriately noticed business, including any matter that could be addressed at a regular meeting.
- (12) Adjourn.

Sec. 2-40. - Agendas.

- (a) The form and content of agendas for all common council meetings, whether regular, special or organizational, and all committee of the whole, appropriations committee and utility board committee meetings, shall be approved by the mayor prior to publication.
- (b) Not less than 72 hours prior to each regular meeting the clerk shall cause to be delivered to each alderman an agenda listing the specific matters which will be considered at the meeting. All reports of committees of the common council, ordinances, resolutions, communications, claims and similar matters to be considered by the common council shall be filed with the ~~city~~ clerk not later than 12:00 noon, on the Monday of the week preceding

a regular common council meeting (or the preceding Friday in the event that the Monday of the week preceding a meeting is a recognized holiday). ~~Documents~~The mayor may approve the addition to the agenda of documents or matters filed after the above cut-off day or time ~~must be submitted to the mayor for his or her approval to be added to the agenda.~~

- (c) Additional items shall be placed on a regular meeting agenda if requested in writing by two aldermen prior to noon on Wednesday preceding the meeting. Such request is subject to section 2-33, and the mayor or the common council shall direct the request to a committee if appropriate.

Sec. 2-41. - Procedures for proposed ordinances and resolutions.

Proposed ordinances and resolutions shall appear separately on the common council's agenda, and the agenda shall specify the number and title of each proposed ordinance and resolution and the status, as of publication, of committee consideration. No proposed ordinance or resolution shall be considered or discussed by the common council, and no action shall be taken on any proposed ordinance or resolution, unless the ordinance or resolution is presented to the common council in writing. No action shall be taken on any proposed ordinance without it having had one reading at a previous meeting of the common council unless there has first been a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-42. - Rules of procedure, reconsideration, resubmission.

~~(a)~~—The deliberations of the common council at any meeting whether regular, special or organizational, and all committee of the whole, appropriations committee and utility board committee meetings, shall be governed by the following rules:

- (a) Provided there is no objection by any alderman present, the presiding officer may at any time declare the common council a committee of the whole for informal discussion to discuss any matter before the common council. If there is an objection, the objection may be overruled by majority vote of the aldermen present.
- (b) Unless otherwise required for any group exercise, all aldermen shall remain in their allotted seats, and no conversation shall be indulged in, so that the common council may expeditiously proceed with the business before the meeting.
- (c) The parliamentary rules contained in Robert's Rules of Order Newly Revised shall govern deliberations of the common council unless otherwise specifically provided by state law or this code.
- (d) No alderman shall address the common council until he or she has been recognized by the presiding officer.

- (e) When two or more aldermen simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (f) Except with respect to committee of the whole and appropriations committee meetings, no alderman shall speak more than twice for five minutes each time on any question without first obtaining permission from the common council. Notwithstanding the foregoing, the presiding officer may allow a time for questions by alderman of staff.
- (g) Only the presiding officer and ~~the~~ aldermen shall address the common council except:
 - (1) The public during any public hearing.
 - (2) City staff when recognized by the presiding officer.
 - (3) Residents during the part of the meeting reserved for personal appearances and public comment.
 - (4) With the permission of the presiding officer, residents of the city and other interested people as to matters which are being considered by the common council at the time the request to speak is made. Unless otherwise specified by the presiding officer, remarks shall be limited to five minutes.
 - (5) Others with the unanimous consent of the common council~~ing~~.
- (h) Any person, including any alderman, addressing the common council shall direct his or her comments to the presiding officer, confine his or her remarks to the question under discussion and avoid all discussion of personalities. Notwithstanding the foregoing, the presiding officer may allow questions of staff on any item.
- (i) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one alderman to initiate action. No motion shall be withdrawn without the consent of both the person making the motion and the person seconding it.
- (j) Any alderman may require the reading in full of any matter at any time it is before the common council.
- (k) With the consent of the presiding officer, questions may be asked prior to a motion and second on a matter. Otherwise, a matter shall not be discussed until a motion is made and seconded.
- (l) When a question is under discussion, no action shall be in order except to:
 - (1) Adjourn
 - (2) Recess

- (3) Lay on the table
- (4) Move the previous question
- (5) Postpone to a certain day
- (6) Refer to a committee
- (7) Amend
- (8) Postpone indefinitely

The foregoing motions shall have precedence in the order listed.

- (m) The presiding officer may put any question when discussion has ended or each alderman has discussed the question twice. Any alderman wishing to terminate the discussion may move the previous question, in which event the presiding officer shall announce the question as: "Shall the main question now be put?" If two-thirds of the aldermen present vote in the affirmative, the main question shall be taken without further discussion, its effect being to put an end to all discussion and to bring the common council to a direct vote, first upon any pending amendments and then upon the main question.

~~(1) Every alderman within the common council chamber at the time a question is put shall give his or her vote unless it is his or her good faith belief that special circumstances compel him or her to abstain. An alderman shall announce his or her intention to abstain as soon as he or she determines that he or she intends to do so and shall thereafter refrain from participating in discussion on the question and shall remove himself or herself from the chambers for the duration of the discussion. Upon notifying the common council of his or her intention to abstain, an alderman may, but shall not be compelled to, make a brief oral statement of his or her reason for abstaining.~~

- ~~(n) Any alderman may demand a roll call vote on any matter properly pending before the common council. A motion to adjourn shall always be in order. A motion to adjourn, to recess, to lay on the table or to call the previous question is non-debatable and shall be decided without discussion.~~

Sec. 2-43. – Voting.

In addition to other specific rules regarding voting in this code, the following rules regarding voting shall apply.

- (a) Aldermen. Each alderman shall be a voting member of the common council, whether regular, special or organizational, the committee of the whole, the appropriations

committee, the utility boards and each committee (standing, special or otherwise) of which he or she is a member.

(b) Mayor. Except in the case of a tie, the mayor shall not vote at any meeting of the common council, whether regular, special or organizational, or at any meeting of the finance-personnel committee. The mayor shall be a voting member of the committee of the whole, the appropriations committee, the utility boards and any special committee of which he or she is a member.

(c) Presiding officer other than the mayor. When someone other than the mayor is the presiding officer, the presiding officer may vote.

~~(a) Votes necessary for passage or approval. All roll call votes shall be recorded specifying the vote of each named member in the minutes. Roll call votes shall be taken with respect to the following: adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund of the city.~~

~~(2) No alderman may change his or her vote on any question after the result of a vote on the question has been announced.~~

~~(3) The mayor shall not vote except in case of a tie. When the mayor does vote in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of the common council has voted favorably or unfavorably on any measure.~~

(d) Five affirmative votes, including the vote of the mayor in case of a tie, in favor of any proposed ordinance, resolution, motion, appointment or other matter shall be necessary for passage or approval unless (1) a larger number is required by state law or, (2) a different number is specified by this code. Notwithstanding or (3) this code specifies that approval shall be by "majority vote of the foregoing, if alderman present," or some substantially similar phrase.

(e) Ties.

(1) When the mayor votes in the case of a tie, his or her vote shall be counted in determining whether a sufficient number of members of the common council or the finance-personnel committee has voted favorably or unfavorably on any measure.

~~(4)~~(2) If one or more aldermen fails or is unable to vote, whether as a result of absence, abstention or vacancy, each non-voting member shall be deemed, for purposes of this subsection only, to have voted "no" on the question, and the minutes shall reflect such status as a "deemed no" vote. The mayor may break any tie resulting from such "deemed no" votes.

(3) Notwithstanding the foregoing, during the vote for president or to affirm the president's nominations to committees at the organizational meeting, the mayor

shall only vote in the case of a tie if the common council has voted twice and, in each instance, the vote ended in a tie.

(f) Requirement to vote; abstention.

- (1) Any person eligible to vote shall, when within the room in which a vote is to be taken at the time a question is put, give his or her vote unless it is his or her good faith belief that special circumstances compel him or her to abstain.
- (2) An alderman or the mayor shall announce his or her intention to abstain as soon as he or she determines that he or she intends to do so and shall thereafter refrain from participating in discussion on the question and shall remove himself or herself from the chambers for the duration of the discussion and the vote on the matter. Upon notifying the common council of his or her intention to abstain, the abstaining official may, but shall not be compelled to, make a brief oral statement of his or her reason for abstaining.

(g) Roll call. Any alderman may demand a roll call vote on any matter properly pending before the common council or any committee. All roll call votes shall be recorded specifying the vote of each named member in the minutes. Roll call votes shall be taken with respect to the following: adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund of the city.

(h) Reconsideration.

- ~~(5) A motion to adjourn shall always be in order. A motion to adjourn, to recess, to lay on the table or to call the previous question is non-debatable and shall be decided without discussion.~~
- (1) ~~(b)~~ — An alderman voting in the majority may move for reconsideration of a vote, but only at the meeting during which the vote was taken, at the next regular meeting or at a special meeting that precedes the next regular meeting. However, no action of the common council shall be subject to a motion to reconsider after material legal rights (other than those rights granted by the common council pursuant to the vote) or obligations have arisen resulting from or by virtue of the vote. If a motion to reconsider is timely made, any rights granted by such vote shall be suspended until final action by the common council on the motion to reconsider. The confirmation of the appointment of a city official shall not be subject to a motion to reconsider. A motion to reconsider that has been made and lost shall not be renewed.
- (2) ~~(e)~~ — No measure that has been introduced and lost by final action may be introduced again until the lapse of at least three months from the date of its consideration unless there has been a material change in the measure or an intervening event that changes the circumstances originally considered.

Sec. 2-~~43~~44. - Clerk, duties.

The city clerk shall, in addition to the duties prescribed by state law, furnish the chairs of committees and other city officers with the resolutions and other matters that may be referred to them and to perform all other clerical duties as the common council may require.

Sec. 2-~~44~~45. - Minutes of meetings.

With the agenda for each regular meeting of the common council, the city clerk shall, to the extent reasonably possible, supply to each alderman ~~at her or his residence~~ a ~~type written~~typewritten copy of the proceedings of the previous ~~meetings~~meeting. By majority vote of ~~those~~the aldermen present, the common council may require the reading of the minutes at the ensuing meeting.

Sec. 2-~~45~~46. - Suspension of rules.

Except to the extent mandated by state law, all or any part of this article may be temporarily suspended in connection with any matter under consideration by a motion to suspend the rules which is seconded and approved by two-thirds of the members present. Such a motion is not debatable and shall be decided without discussion.

Sec. 2-~~46~~47. - Amendments.

The affirmative vote of six aldermen shall be required to amend all or any part of this article.

Secs. 2-~~47~~48—2-60. - Reserved.

From: [Mayor](#)
To: [Justin Schoenemann](#)
Subject: Possible Change to Article II
Date: Monday, February 03, 2020 5:04:12 PM
Attachments: [Wisconsin Legislature_ 2017 Wisconsin Act 50.pdf](#)
[image003.png](#)
[image004.png](#)

Justin:

After sending the last version to you, I came across a change in state law that the committee might want to consider.

Sec. 2-34(b) deals with notices for special meetings. My draft uses the same language that is in our current code except it adds a requirement for emailed notice. It requires notice of a special meeting to be “delivered to each alderman personally or by leaving the notice at an alderman’s residence.” The existing code language comes out of the state statutes.

However, in 2017, the state statute was changed to allow notice to be given to “members in a manner likely to give each member notice of the meeting.” See the attached copy of 2-17 Act 50.

Rather than delivery to an alderman’s home (which might not even give actual notice because an alderman might be at work), the new statutory rule is a bit more flexible.

We can stay with what is in my proposed ordinance if aldermen think it better ensures notice; however, I think the committee ought to know they can change that language.

I suggest that you add this email and the attached Act to the packet. If it is too late to do that, let me know and I will forward it to the committee.

John

John Wirth
 Mayor, City of Mequon
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 262-236-2944 direct | mayor@ci.mequon.wi.us
[Mequon Website](#) | [Bio](#) | [VCard](#)



I send updates concerning issues being considered at City Hall. [Click here](#) to be added to the update list.

Notice: Any email sent to, or received from, the City of Mequon or any official of the City of Mequon (if such email is related to such official's office) should be presumed to be a public record that will be retained by the City or such public official and will be subject to disclosure under the

Wisconsin Open Records Law. This includes the email address, the contents of the message and any attachments.

Menu » 2017 » Related Documents » Acts » 2017 Wisconsin Act 50

Date of enactment: **August 2, 2017**

2017 Senate Bill 94 Date of publication*: **August 3, 2017**

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2017 WISCONSIN ACT 50

AN ACT *to amend* 62.11 (2) of the statutes; **relating to:** notification of special meetings of the common council of a city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 62.11 (2) of the statutes is amended to read:

62.11 (2) TIME OF MEETING. The council shall meet at least once a month, and on the first Tuesday unless a different day be fixed by the council. More frequent regular meetings may be established by the council, ~~and the~~ The mayor may call a special meeting by ~~written notice delivered personally to each member or left at the member's usual abode~~ notifying members in a manner likely to give each member notice of the meeting and providing the notice at least 6 hours before the meeting. Following a regular city election the new council shall first meet on the 3rd Tuesday of April.

Menu » 2017 » Related Documents » Acts » 2017 Wisconsin Act 50

Attachment: March 5 2020 Agenda Packet (5682 : Chapter II)



11333 North Cedarburg Road
Mequon, Wisconsin 53097
Phone: 262-236-2944

www.ci.mequon.wi.us

Mayor

TO: Public Welfare Committee

FROM: John Wirth

DATE: February 9, 2020

SUBJECT: Changes to Article II

Since preparing the revisions in your packet, three possible additional changes have been brought to my attention. I present all of them for your consideration.

1. Notices for Special Meetings. See my email to Justin Schoenemann in the packet.
2. Economic Development Board. The draft before you provides that Economic Development Board issues should go to Public Welfare (see section 2-23(c)(2) on packet page 22). Kim Tollefson reminds me that all or almost Economic Development Board items that come to the Council have a significant financial component and have historically gone to Finance-Personnel. These include items like revolving loan fund applications. I suggest that you move Economic Development Board from Public Welfare to Finance-Personnel.
3. Administration. Ald. Mayr suggested to me that I prepare some language for the committee to consider regarding the mayor's role in the administration of the city. State statutes provide that the mayor is the chief executive; however, the statutes and our ordinances are vague as to what that means.

There are 27 cities in Wisconsin with populations between 16,000 and 40,000. Mequon belongs to that broad category. Beloit is an outlier in that it has a manager-council form of government with no mayor. Interestingly, of the other 26, exactly half have full time mayors and half (like Mequon) have part time mayors. The cities with full time mayors do not have administrators.

I definitely recommend against going to a full time mayor. Mequon is, and has been, served well by having a professional administrator handling the day-to-day administration of the city. However, in some cities with administrators, the mayor has the authority to check and balance the authority of the administrator. Those checks and balances take a variety of forms.

If the common council adopts the attached or similar changes, the common council would be the policy-making body (the legislative branch) and the mayor would oversee administration (the executive branch). The bureaucracy is within the executive branch. That is the

design of the federal and state government and of many municipalities. It works well when each group plays its role.

The city administrator would remain responsible for professional day-to-day administration; however, as part of the executive branch, he or she would be subject to the broad policies adopted by the common council and the more direct authority of the mayor. A chief executive should be involved with and bear responsibility for administration.

I do not believe that Ald. Mayr suggested this review because he is dissatisfied with the current city administrator, and I did not draft these changes because of any such dissatisfaction. In my opinion, Will Jones is doing a good job, and he and I have a good working relationship. I would expect that changes in operations would not be significant. However, the mayor should be more than a figurehead. These changes would be particularly important if a future city administrator turns out to ignore the will of elected officials.

The public elects officials to ensure good government. The mayor and council members get the blame if administration does things poorly. Yet, in those communities (like Mequon) that arguably have fully ceded all administrative responsibility to a city administrator, the mayor and council members have limited options in affecting administration. Accordingly, administration can be unresponsive.

These changes would allow the mayor to be directly involved in correcting recognized staff issues. For example, the common council in recent years have expressed concerns over inspections and the timeliness of municipal prosecutions. The mayor has no ability to make changes other than trying to influence staff. I have been working on those issues and am making progress; however, these changes would give me the actual authority to address these issues.

Considering my relationship with Will Jones and department heads, I can be effective without these changes. I believe I am. However, that could be much more difficult if someday in the future Will Jones leaves, and might be much more difficult for a future mayor.

These changes also protect and codify the policy-making authority of the common council. For example, they ensure that council members can be part of any hiring committee.

Some communities have taken this much farther. For example, in one city, the administrator has no authority over the public works or development departments. In some cities, the common council can remove the administrator by a simple majority vote. I am not suggesting that the changes should go that far.

I attach two sets of amendments. The first set has some additional language for Article II (the ordinances the committee is currently reviewing). If the committee agrees with these changes, then it should consider the other set of amendments (to the ordinance that creates the position of city administrator) at the next meeting.

Now is the time to review the balance between elected officials and professional staff rather than waiting until we have a new city administrator (or new mayor).

ARTICLE II. - COMMON COUNCIL

DIVISION 1: Mayor and Common Council.

Sec. 2-20. – Generally.

The common council shall consist of the mayor and eight aldermen. The common council shall be elected, and vacancies shall be filled, pursuant to section 2-63. The common council shall have the committees described in division 2. The common council shall hold meetings pursuant to division 3.

Sec. 2-21 – Mayor.

- (a) In addition to those powers and duties set forth in this code, the mayor shall have the powers and duties of a mayor set forth in the Wisconsin Statutes.
- (b) The mayor shall be the city's chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.
- (c) The mayor shall from time to time give the common council such information and recommend such measures as the mayor may deem advantageous to the city.
- (d) When present, the mayor shall be a member of, and presiding officer at, all meetings of the common council, whether regular, special or organizational, and its committee of the whole and appropriations committee.
- (e) Except as otherwise limited by state law, the mayor shall have the power to veto all acts of the common council and all acts of any committee that could have been taken by the common council if not delegated by the common council or this code to such committee, including acts by the planning commission. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, whether signed as mayor or as the chair of the planning commission, or upon the mayor's failure to approve or disapprove such act within five days. If the mayor fails to approve or disapprove any act within five days, the clerk shall certify such failure on the relevant document. If the mayor vetoes any act, the mayor shall file his or her objections with the clerk, and the clerk shall present them to the common council at its next meeting. A two-thirds vote of all members of the common council shall make the act effective notwithstanding the objections of the mayor.
- (f) The mayor shall be the head of the fire and police departments.
- (g) Except to the extent otherwise required by law, all city employees other than the employees of the police department and the fire department shall be hired or appointed and supervised by the mayor pursuant to the city's personnel code and in consultation with the city administrator. The mayor may designate in writing that any city officer shall supervise any

other employee or group of employees. Subject to this code, to other applicable law and to the written policies established and approved by the common council, the mayor may establish such rules and issue such orders as are necessary from time to time, in the mayor's reasonable discretion, in fulfilling the mayor's supervisory duties. Such rules and orders shall be effective when the mayor files them with the office of the city clerk and shall thereafter be applicable to the city employees and administrative matters described in such rules or orders.

- (h) In order to promote the efficiency and responsiveness of the city government to matters of concern to the city's residents and to assist the mayor in the performance of the mayor's duties, the mayor shall have the immediate advice and assistance of the city administrator, assistant city administrator, chief of police, fire chief, city assessor, director of community development, director of public works/city engineer, director of parks and operations, director of finance/treasurer, city clerk and city attorney. The mayor shall chair regularly scheduled meetings of all or some of such department heads as determined by the mayor.
- (i) The mayor shall appoint, subject to confirmation by the common council, the personnel described in (h) other than the police chief and the fire chief. The mayor shall appoint and utilize a hiring committee when conducting the final round of interviews for each of these positions. The hiring committee shall advise the mayor in connection with such appointments. The hiring committee shall include the city administrator (except when that office is being filled) and, if required by the affirmative vote of a majority of the aldermen, one or more aldermen appointed by the majority of the aldermen. The personnel appointed pursuant to this paragraph shall have indefinite terms of office subject to removal pursuant to state law.

Sec. 2-22 – Acting mayor.

- (a) If the mayor is absent or unable to perform any duty, the president of the common council shall be the “acting mayor.” If both the mayor and the president are absent or unable to perform any duty, the following shall be the order of succession as “acting mayor”: the chair of the public welfare committee, the chair of the public works committee and the chair of the public safety committee.
- (b) The acting mayor shall not have power to approve an act of the common council which the mayor has vetoed or to veto any act approved at a meeting at which the mayor was the presiding officer.

DIVISION 2: Common Council Committees

Sec. 2-23. –Standing Committees.

The common council shall have the following four standing committees:

ORDINANCE ESTABLISHING CITY ADMINISTRATOR
Sec. 2-180, Mequon Code of Ordinances

This ordinance, and particularly part (c), authorizes the position of City Administrator and specifies the City Administrator's general powers and duties.

Sec. 2-180. - Department of administration.

- (a) *Creation and purpose.* In order that the various departments of the City of Mequon ~~may~~ operate as efficiently as possible under the city system ~~of operating~~ without a mayor employed full time, ~~and to better insure consistent harmonious action in respect to any activity common to ensure consistency and coordination when~~ two or more ~~of said~~ departments, ~~are involved in an action and in order that there may be a uniform application of policy, there is hereby created to apply policies uniformly, the city shall have a department of administration for the City of Mequon.~~
- (b) *Component departments.* The department of administration shall include every city department having an administrative function.
- ~~(c) *City administrator; terms of office, powers, and duties.* The city administrator shall be appointed by an affirmative vote of the majority of the members of the common council on recommendation of the mayor or finance personnel committee and/or search and screen committee. The city administrator shall serve for an indeterminate term of office, at the pleasure of the common council but subject to removal upon the vote of three-fourths of the members of the entire common council. The city administrator shall:~~
- ~~(1) — (c) *City administrator.*~~
 - ~~(1) Subject to the direction, approval and authority of the mayor and pursuant to any applicable written policies established and approved by the common council, the city administrator shall be the head of the department of administration and shall:~~
 - ~~a. Carry out all actions of the common council that require administrative implementation and carry out such other duties as may be duties assigned to the city administrator by this code, by the written policies established and approved by the common council from time to time, and by the mayor (subject to such written policies).~~
 - ~~(2) — Direct, coordinate b. Coordinate and expedite activities of all city departments, divisions and offices.~~
 - ~~(3) — c. Submit to the common council mayor any recommendations or suggestions to improve the administration of the city and to the common council any recommendations or suggestions to improve the policies, public safety, health, welfare and economy of the city.~~
 - ~~(4) — d. Develop and refine a system whereby by which the city's business is conducted in an efficient and dignified manner.~~

(5) — Supervise all personnel including department heads with the right to suspend any city employee, pending review by the personnel committee, or where state law vests the power of suspension in some other authority, to recommend suspension to that authority.

(6) — e. Be the financial advisor of the city and to that end shall:

a. — i. Oversee all departments as to budget performance and shall report regularly to the mayor and common council on ~~same~~ such performance;

b. — ii. After consultation with the city treasurer and other department heads, and the ~~directors~~ management of ~~city departments, divisions, boards, bureaus, and commission~~ other entities funded by the city, submit a proposed annual city budget to the city appropriations committee; pursuant to any direction provided by the appropriations committee;

c. — iii. Review and interpret all financial reports submitted to the common council;

d. — iv. Review and report to the common council any significant variation in actual versus budgeted expenditures;

e. — v. In cooperation with the engineering and planning departments, develop and formulate plans for permanent improvements and recommend such plans to the common council; and

f. — vi. Advise and recommend to the mayor and common council the adoption of various plans and programs of finance including available local, county, state, ~~or~~ and federal revenues sources.

(7) — f. Be the personnel officer of the city and to that end shall:

a. — i. Be responsible for uniform application and enforcement of city rules and policies;

b. — ~~Establish and maintain~~ ii. Ensure the establishment and maintenance of a central personnel file for all departments;

c. — iii. Review the various personnel rules and regulations and recommend any revisions to the common council, to the extent the rules and regulations are established by the common council, and otherwise to the mayor;

d. — iv. Review salaries and wages of all bargaining units and other non-staff positions in the city and make surveys and recommend to the ~~finance~~ personnel committee appropriate action;

e. — v. Review, with the mayor, all salaries and wages of non-bargaining unit staff personnel and make surveys and recommend appropriate action to the mayor;

~~f.—vi.~~ Be responsible for collective bargaining negotiations and, with the finance-personnel committee, develop bargaining procedures and positions; ~~and~~

~~g.—vii.~~ Handle all grievances pursuant to the city's grievance policy; and

~~h.—viii.~~ Oversee all training of personnel.

~~(8) — In cooperation with the mayor and common and the departments of planning and public works, vigorously develop, implement and update the city's planning and development.~~

~~(9) — g.~~ Keep the common council fully informed ~~on~~about actions and trends of other levels of government, including state and federal funding, and ~~preparation~~e and ~~expediting of~~expedite applications for procurement of state and federal grants at the direction of ~~the~~mayor or common council.

~~(10) — File a monthly report with the h.~~ Report on the activities of his office to the common council ~~on the activity of his office~~ in such a manner as will inform the common council of actions concluded.

~~(Code 1957, § 2.17; Ord. No. 78-395, 8-1-1978) (2) For any period in which the city administrator shall be absent, on vacation or otherwise unable to perform his or her duties, the city administrator shall, in consultation with the mayor, appoint a department head as acting city administrator. The acting city administrator shall have no authority to supersede any approved policies or procedures established by the city administrator.~~

~~(3)~~ When there is a vacancy in the office of city administrator:

~~a.~~ The mayor shall act as "temporary city administrator," commencing immediately following the last day of the city administrator's employment by the city, and shall have all of the duties and authority assigned to the city administrator by this code. The mayor shall assume such duties and authority without additional compensation.

~~b.~~ The mayor, acting as temporary city administrator, shall work closely with the assistant city administrator, if any. The temporary city administrator may delegate duties and authority of the city administrator among the assistant city administrator and department heads in a manner the mayor reasonably deems to be in the best interests of the city; however, the mayor and the assistant city administrator shall properly supervise those to whom the temporary city administrator delegates such duties.

~~a.c.~~ The mayor's position as temporary city administrator shall automatically terminate upon the common council appointing a new city administrator and that appointee taking office.

ORDINANCE ESTABLISHING CITY ADMINISTRATOR
Sec. 2-180, Mequon Code of Ordinances

This ordinance, and particularly part (c), authorizes the position of City Administrator and specifies the City Administrator's general powers and duties.

Sec. 2-180. - Department of administration.

- (a) *Creation and purpose.* In order that the various departments of the City of Mequon operate as efficiently as possible under the city system without a mayor employed full time, to better ensure consistency and coordination when two or more departments are involved in an action and to apply policies uniformly, the city shall have a department of administration.
- (b) *Component departments.* The department of administration shall include every city department having an administrative function.
- (c) *City administrator.*
 - (1) Subject to the direction, approval and authority of the mayor and pursuant to any applicable written policies established and approved by the common council, the city administrator shall be the head of the department of administration and shall:
 - a. Carry out all duties assigned to the city administrator by this code, by the written policies established and approved by the common council from time to time and by the mayor (subject to such written policies).
 - b. Coordinate and expedite activities of all city departments, divisions and offices.
 - c. Submit to the mayor any recommendations or suggestions to improve the administration of the city and to the common council any recommendations or suggestions to improve the policies, public safety, health, welfare and economy of the city.
 - d. Develop and refine a system by which the city's business is conducted in an efficient and dignified manner.
 - e. Be the financial advisor of the city and to that end shall:
 - i. Oversee all departments as to budget performance and shall report regularly to the mayor and common council on such performance;
 - ii. After consultation with the city treasurer and other department heads, and the management of other entities funded by the city, submit a proposed annual city budget to the city appropriations committee pursuant to any direction provided by the appropriations committee;

- iii. Review and interpret all financial reports submitted to the common council;
 - iv. Review and report to the common council any significant variation in actual versus budgeted expenditures;
 - v. In cooperation with the engineering and planning departments, develop and formulate plans for permanent improvements and recommend such plans to the common council; and
 - vi. Advise and recommend to the mayor and common council the adoption of various plans and programs of finance including available local, county, state and federal revenues sources.
- f. Be the personnel officer of the city and to that end shall:
- i. Be responsible for uniform application and enforcement of city rules and policies;
 - ii. Ensure the establishment and maintenance of a central personnel file for all departments;
 - iii. Review the various personnel rules and regulations and recommend any revisions to the common council, to the extent the rules and regulations are established by the common council, and otherwise to the mayor;
 - iv. Review salaries and wages of all bargaining units and other non-staff positions in the city and make surveys and recommend to the finance-personnel committee appropriate action;
 - v. Review, with the mayor, all salaries and wages of non-bargaining unit staff personnel and make surveys and recommend appropriate action to the mayor;
 - vi. Be responsible for collective bargaining negotiations and, with the finance-personnel committee, develop bargaining procedures and positions;
 - vii. Handle all grievances pursuant to the city's grievance policy; and
 - viii. Oversee all training of personnel.
- g. Keep the common council fully informed about actions and trends of other levels of government, including state and federal funding, and prepare and expedite applications for procurement of state and federal grants at the direction of mayor or common council.
- h. Report on the activities of his office to the common council in such a manner as will inform the common council of actions concluded.
- (2) For any period in which the city administrator shall be absent, on vacation or otherwise unable to perform his or her duties, the city administrator shall, in consultation with the mayor, appoint a department head as acting city administrator.

The acting city administrator shall have no authority to supersede any approved policies or procedures established by the city administrator.

- (3) When there is a vacancy in the office of city administrator:
- a. The mayor shall act as “temporary city administrator,” commencing immediately following the last day of the city administrator’s employment by the city, and shall have all of the duties and authority assigned to the city administrator by this code. The mayor shall assume such duties and authority without additional compensation.
 - b. The mayor, acting as temporary city administrator, shall work closely with the assistant city administrator, if any. The temporary city administrator may delegate duties and authority of the city administrator among the assistant city administrator and department heads in a manner the mayor reasonably deems to be in the best interests of the city; however, the mayor and the assistant city administrator shall properly supervise those to whom the temporary city administrator delegates such duties.
 - c. The mayor’s position as temporary city administrator shall automatically terminate upon the common council appointing a new city administrator and that appointee taking office.

Current Ordinance

ARTICLE II. - COMMON COUNCIL^[2]

Footnotes:

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State Law reference— Common council, Wis. Stats. § 62.11.

Sec. 2-19. - Meetings, adjournments, quorum.

- (a) *Regular meetings.* Regular meetings of the common council shall be held on the 2nd Tuesday of each calendar month, at the hour of 7:30 p.m. Any regular meeting falling upon a legal holiday or election day shall be held on the next following secular day at the same hour and place. All meetings of the common council shall be held in the city hall, including special and adjourned meetings.
- (b) *Special meetings.* Special meetings may be called by the mayor or any four aldermen upon written notice of the time and purpose thereof delivered to each personally or left at his usual place of abode at least six hours before the meeting. The clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meeting. A special meeting may be held without such notice when all aldermen are present in person, or consent in writing to the holding of such meeting. If written consent is obtained, it shall be filed with the clerk prior to the beginning of the meeting. Attendance by any alderman shall be deemed a waiver on his part of any defect of notice. Any special meeting attended by all aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.
- (c) *Adjournments.* The council may, by a majority of vote of those present, but not less than three affirmative votes, adjourn from time to time to a specific date and hour.
- (d) *Quorum, what constitutes compelling attendance.* No action shall be taken unless a quorum is present, which shall consist of two-thirds of the aldermen of the council. A lesser number may compel the attendance of absent members or may adjourn. The mayor shall not be counted in determining whether a quorum is present at a meeting.

(Code 1957, § 1.01(4); Ord. No. 67-124, 9-5-1967; Ord. No. 76-380, 12-7-1976; Ord. No. 84-563, 9-18-1984)

State Law reference— Council meetings, Wis. Stats. § 62.11(2).

Sec. 2-20. - Agenda and order of business.

- (a) The public notice and the agenda for regular meetings of the common council shall reflect the following order of business before the common council.
 - (1) The presiding officer shall at the hour appointed call the members to order.
 - (2) Pledge of Allegiance.
 - (3) Roll call. No action shall be taken unless a quorum is present which shall consist of two-thirds of the aldermen of the council. A lesser number may compel the attendance of absent members or adjournment.
 - (4) Public hearings.
 - (5) Personal appearances and public comment.
 - (6) Receipt of reports of boards, commissions and city officers.
 - (7) Public officials' reports.
 - (8) Consent agenda for items considered routine, which shall include, but not necessarily be limited to the items listed below; provided however, that a member of the common council may specify any question, which shall then be separately debated and voted.
 - a. Adoption of common council minutes of the preceding meeting;

Current Ordinance

- b. Reports of common council and special meetings;
 - c. First readings of all ordinances which shall be listed by number and title reflecting the subject matter, and referral to committee of jurisdiction if necessary;
 - d. Adoption of specified ordinances and resolutions, which have received unanimous committee recommendation.
- (9) Ordinances which may be considered, debated and acted upon.
 - (10) Resolutions may be introduced and referred to committee, or considered and acted upon.
 - (11) Specified unfinished business from previous meetings.
 - (12) Presentation of petitions, memorials, remonstrances and communications.
 - (13) Specified miscellaneous (including new) business.
 - (14) Adjournment.
- (b) No business shall be considered out of the order established in subsection (a) of this section except by the concurrence of two-thirds of the members present, without debate.

(Code 1957, § 1.02; Ord. No. 76-374, 7-20-1976; Ord. No. 2010-1319, § I, 5-11-2010)

Sec. 2-21. - Mayor to preside.

If the mayor at the stated hour shall call the meeting to order. He shall preserve order and decorum, decided all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order revised, unless otherwise provided by Wisconsin Statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. The appeal may be sustained by a majority of the members present, exclusive of the presiding officer.

(Code 1957, § 1.03)

Sec. 2-22. - President of council.

If the mayor is absent at the designated time of any meeting, the president of the council shall preside, and during the absence or inability of the mayor shall have the powers and duties of the mayor, excepting that he or she shall not have the power to approve an act of the council which the mayor has disapproved by filing an objection with the clerk. He or she shall, when so officiating, be styled "acting mayor." The president shall be selected by a majority vote of all members of the council at the annual meeting on the 3rd Tuesday of April.

(Code 1957, § 1.04; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-23. - Absence of presiding officer.

In the absence of both the mayor and the president of the council, the following shall be the order of succession as presiding officer: the chair of the committee on public welfare, the chair of the committee on public works, and the chair of the committee on public safety.

(Code 1957, § 1.05; Ord. No. 69-192, 11-18-1969; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-24. - Vacation of chair.

Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he shall vacate the chair and designate the president of the council, if present, and if not, any alderman, to preside temporarily.

Current Ordinance

(Code 1957, § 1.06)

Sec. 2-25. - Committees.

- (a) The common council acting as a committee of the whole shall annually at the common council organizational meeting in April nominate and elect by a majority vote the following standing committees:
 - (1) Finance-personnel committee (including licenses);
 - (2) Public works committee (including streets, sewers, lighting, water, etc.);
 - (3) Public safety committee (including police, fire, traffic, boating, building regulations, etc.);
 - (4) Public welfare committee (including health, public assistance, recreation, nuisances, etc.).
- (b) Each committee shall consist of three aldermanic members, who shall select their chair from among them except the committee on finance-personnel, which shall be chaired by the mayor on an ex officio, non-voting basis. The mayor shall further be a non-voting, ex officio member of all other standing committees. Each member shall serve as appointed unless excused by a majority vote of the common council. All aldermen shall serve on at least one standing committee.
- (c) Special committees may be created from time to time either by the mayor or by motion or resolution. In any case, the number of committee members, the purpose of the committee and its duties shall be stated.
- (d) Any alderman may attend any regular or executive meeting of any subsidiary committee or commission of the council as a non-voting, ex-officio member, and shall abide by all the rules or regulations of the meetings as pertain to the regular members of the committee or commission.
- (e) Each committee shall at the next regular meeting submit written minutes to the common council after reviewing and approving such minutes, and such minutes shall be entered in the proceedings. Such report shall recommend a definite action by the council on each item; and be filed with the clerk prior to each meeting. Minority reports may be submitted.
- (f) Previous notice of each committee meeting shall be filed with the clerk by the chair and each meeting shall be open to the public. The clerk will post notice of such meetings on the city hall bulletin board.
- (g) Any committee may require any city officer to confer with it and supply information needed in connection with any matter pending before the committee.

(Code 1957, § 1.07; Ord. No. 96-896, 12-10-1996; Ord. No. 2010-1311, § I, 4-13-2010)

Sec. 2-26. - Referrals to committee.

- (a) No ordinance, resolution, communication or other matter, other than appointments as described below, shall be acted upon by the council unless such ordinance, resolution, communication or other matter shall have been referred to the council or reported on by one of the following:
 - (1) An appropriate standing committee;
 - (2) The committee of the whole;
 - (3) The appropriations committee;
 - (4) Any special committee of council members created for that purpose under section 2-25(c); or
 - (5) For ordinances repealing, creating or amending, planned unit developments or transferring development rights, amending the city's official zoning map, amending the city's land use plan, and resolutions, approving development agreements, final plats and similar property-specific matters, the planning commission.

Current Ordinance

- (b) The council may, by the affirmative vote of two-thirds (2/3) of the aldermen present, suspend the rule established in subsection (a) and act on a matter that has not been appropriately referred to or reported on by a committee as specified in subsection (a).
- (c) Appointments to boards and commissions may be acted upon without having been referred to or reported on by a committee unless otherwise specifically required elsewhere in these sections. However, the council may refer any appointment to a committee by motion duly adopted.
- (d) Unless the rule established in subsection (a) is suspended for a matter, any ordinance, resolution, communication or other matter which has not been referred to the council or reported on by a committee as specified in subsection (a) shall be read by number, title, author and sponsor, if any, and referred to the appropriate committee by the mayor without motion or, if the mayor does not make such a referral, by the council upon motion duly adopted. The clerk shall read and record each such reference by title and by noting the person(s) or body submitting, presenting or sponsoring the matter referred.
- (e) Any alderman may require the reading in full of any matter at any time it is before the council.

(Code 1957, § 1.08; Ord. No. 93-787, 8-3-1993; Ord. No. 2008-1246, § I, 8-12-2008)

Sec. 2-27. - Bills and claims.

All bills and other financial claims against the city shall be itemized and, upon receipt, shall be examined by the treasurer and referred by the clerk to the finance-personnel committee for examination and approval at its next meeting; provided, however, that payment of regular wages and salaries of officials and employees according to schedules adopted by the council shall be made by the treasurer prior to approval by the finance-personnel committee after verification by the city administrator or the relevant department head.

(Code 1957, § 1.09; Ord. No. 2008-1248, § I, 5-13-2008)

Sec. 2-28. - Committee reports.

- (a) An aye and no vote shall be taken on each committee report at the next regular council meeting following its submission, provided that nothing herein shall be construed to eliminate the requirement that separate council action be taken on any proposed ordinance or resolution reported out of committee. Any alderman may require a separate vote on any other matter reported out of committee. Action by the council upon a specific matter included in any committee report shall be deferred until its next regular meeting following the council meeting at which the report is received upon the request of any two aldermen.
- (b) Except as otherwise provided in this Code, the approval of a committee report in which the adoption of a matter is recommended shall comprise final action on such matter.

(Code 1957, § 1.10; Ord. No. 93-787, 8-3-1993)

Sec. 2-29. - Procedures for proposed ordinances and resolutions.

Proposed ordinances and resolutions shall appear separately on the council's agenda, and the agenda shall specify the number, title, author and sponsor, if any, of each proposed ordinance and resolution. No proposed ordinance or resolution shall be considered, debated or discussed by the council, and no action shall be taken on any proposed ordinance or resolution, unless the ordinance or resolution is presented to the council in writing. No proposed ordinance shall be considered, debated or discussed by the council, and no action shall be taken on any proposed ordinance, without it having had one reading at a previous meeting of the council, unless debate and discussion shall occur or action shall be taken on the proposed ordinance pursuant to a motion temporarily suspending the rules.

(Code 1957, § 1.11; Ord. No. 93-787, 8-3-1993; Ord. No. 2008-1247, § I, 5-13-2008)

Current Ordinance

Sec. 2-30. - Rules of procedure, reconsideration, resubmission.

(a) The deliberations of the council shall be conducted in the following manner:

- (1) Provided there is no objection by any alderman present, the mayor may declare the entire council a committee of the whole for informal discussion at any meeting or for any purpose, and shall ex officio be chairman of the same.
- (2) During the meetings of the council all aldermen shall remain in their allotted seats, and no conversation shall be indulged in, so that the council may expeditiously proceed with the business before the meeting.
- (3) The parliamentary rules contained in Robert's Rules of Order revised shall govern deliberations of the council unless otherwise specifically provided by Wisconsin Statute or these rules.
- (4) No alderman shall address the council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion and avoid all personalities.
- (5) When two or more aldermen simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (6) No person other than the mayor and an alderman shall address the council, except with the unanimous consent of the council, except that citizens may address the council with the permission of the presiding officer as to matters which are being considered by the council at the time the request to speak is made.
- (7) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one alderman to initiate action. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
- (8) No alderman shall speak more than twice and not to exceed five minutes each time on any question without first obtaining permission from the council.
- (9) When a question is under discussion, no action shall be in order except to:
 - a. Adjourn
 - b. Recess
 - c. Lay on the table
 - d. Move the previous question
 - e. Postpone to a certain day
 - f. Refer to a committee
 - g. Amend
 - h. Postpone indefinitely

The foregoing motions shall have precedence in the order listed.

- (10) Any alderman wishing to terminate the debate may move the previous question, in which event the presiding officer shall announce the question as: "Shall the main question now be put?" If two-thirds of the aldermen present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and to bring the council to a direct vote, first upon any pending amendments and then upon the main question.
- (11) Every alderman when within the bar of the council chamber at the time a question is put shall give his vote unless it is his good faith belief that special circumstances compel his abstention on the question. Such alderman shall announce his intention to abstain as soon as he shall determine that he intends to do so, and shall thereafter refrain from participation in debate on the question. Upon advising of his intention to abstain from voting, such alderman may, but shall not be compelled to, make a brief oral statement of the reason for his abstention.

Current Ordinance

- (12) Any alderman may demand a roll call aye and no vote on any matter properly pending a vote before the common council. All roll call votes shall be recorded specifying the vote of each named member in the journal of minutes. Roll call votes shall be taken with respect to the following: adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city of any fund thereof and on all ordinances. No alderman may change his vote on any question after the result of a vote thereon has been announced.
- (13) The mayor shall not vote except in case of a tie. When the mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.
- (14) A majority vote of all the common council, including the vote of the mayor in case of a tie, in favor of any proposed ordinance, resolution, appointment, or other matter, shall be necessary for passage or approval unless a larger number is required by the Wisconsin Statutes or by specific reference in these codes of ordinances. Notwithstanding, in the case in which an abstention or absence of an aldermanic member of the common council results in a four to three aldermanic vote, the absent or abstaining member shall be deemed, for purposes of this subsection only, to have voted "no" on the question, and the minutes shall reflect such status as a "deemed" vote.
- (15) A motion to adjourn shall always be in order and a motion to adjourn, to recess, to lay on the table and a call for the previous question shall be decided without debate.
- (b) It shall be in order for any alderman voting in the majority to move for a reconsideration of the vote on a question at the meeting during which the vote was taken or at the next succeeding regular meeting, but not otherwise. However, no ordinance may be subject to a motion to reconsider once published and effective pursuant to the provisions of Wis. Stats. § 62.11(4)(a), nor may action of the council be subject to a motion to reconsider after such time as legal rights and obligation have arisen resulting from or by virtue of the action. The confirmation of the appointment of city officials shall not be subject to a motion to reconsider. A motion to reconsider being put and lost shall not be renewed.
- (c) Whenever any measure shall be introduced for the consideration of the council and failed of adoption and passage, such measure (unless substantially changed) shall not be introduced again until the lapse of at least three months from the date of its last preceding consideration.

(Code 1957, § 1.12; Ord. No. 95-864, 2-13-1996; Ord. No. 96-875, 5-14-1996; Ord. No. 97-916, 4-8-1997; Ord. No. 98-961, 12-8-1998; Ord. No. 2006-1194, § I, 11-14-2006)

Sec. 2-31. - Appropriations and charges.

All ordinances or resolutions appropriating money or creating any charge against the city other than the payment of claims for purchases or work previously authorized by the council shall only be acted upon by the council at the next regular meeting, provided that this provision may be suspended by affirmative action by two-thirds of all members of the council.

(Code 1957, § 1.13)

Sec. 2-32. - Clerk, duties.

It shall be the duty of the clerk of this council, in addition to the duties prescribed by the Wisconsin Statutes, to furnish the chairmen of committees and other city officers with the resolutions and other matters that may be referred to them, and to perform all such other clerical duties as may be required by this council.

(Code 1957, § 1.15)

Sec. 2-33. - Agenda.

Current Ordinance

- (a) Not less than 72 hours prior to each regular meeting the clerk shall cause to be delivered to each alderman an agenda listing the specific matters which will be considered at the meeting. All reports of the committees of the common council, ordinances, resolutions, communications, claims and similar matters to be considered by the common council shall be filed with the city clerk not later than 12:00 noon, on the Monday of the week preceding a regular common council meeting (or the preceding Friday in the event that the Monday of the week preceding a meeting of the common council is a recognized holiday). Documents or matters filed after the above cut-off date should be submitted to the mayor for his approval to be added to the agenda.
- (b) Additional items shall be placed on the agenda if requested in writing by two aldermen prior to noon on Wednesday preceding the meeting. Such request is subject to section 2-26, and the common council shall direct the request to a committee if appropriate.

(Code 1957, § 1.17; Ord. No. 76-374, 7-20-1976; Ord. No. 2016-1485, § I, 1-10-2017)

Sec. 2-34. - Minutes of meetings.

With the agenda for each regular meeting of the common council the city clerk shall supply to each alderman at their residence a type written copy of the proceedings of the previous meetings thereof. By majority action of those present the council may require the reading of the minutes at the ensuing meeting.

(Code 1957, § 1.18; Ord. No. 97-925, 10-14-1997)

Sec. 2-35. - Suspension of rules.

Except to the extent mandated by state law, this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of a two-thirds majority of all aldermen.

(Code 1957, § 1.19; Ord. No. 67-118, 7-18-1967; Ord. No. 93-787, 8-3-1993)

Sec. 2-36. - Amendments.

The assent of two-thirds of all the aldermen shall be required to amend this article or any part thereof.

(Code 1957, § 1.20)

Secs. 2-37—2-60. - Reserved.



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Office of Administration

TO: Public Welfare Committee
FROM: Justin Schoenemann, Assistant City Administrator
DATE: January 7, 2021
SUBJECT: Work Calendar

Month	Agenda Topics
December	• Review of Protest Petition Process • Community Outreach Initiatives (Continued) • Attendance at Council Meetings via Electronic Means Post-COVID • Chapter II (Continued)
January	• Polling Place Relocations for February 2021 Primary • Attendance at Council Meetings via Electronic Means Post-COVID (Continued) • Community Outreach Initiatives (Continued) • Chapter II Review (Continued)
February	• Bird/Bees/Tree City Designations • Community Outreach Initiatives (Continued) • Chapter II Review (Continued)

Future Agenda Topics

• Redistricting (March/April) • Home Program Review/Renewal • Begging & Soliciting Alms • Architectural Board Review	• Nuisance Ordinance Review • Logo Redesign/Branding
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2020 Completed Items

• Paperless Packets • Extension of Public Health Emergency Declaration • Chapter 10: Electrical Code Amendment • Zoning and Text Amendment Notification Process • Legal Services Ordinance • Public Comment During Electronic Meetings • Re-referral Ordinance • Taste of Mequon 2020 • MNP Board Member Appointments	• Curbside Service & Banner Fees Proclamation • Electronic Committee Participation Proclamation • Sign Code Amendment for I-43 Signs • Arc Board Membership Requirement • Protest Petition • Common Council/Planning Commission Re-Referral • Bird City USA Designation • Bee City USA Designation • City Sign Code Update
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